

## **MINUTES**

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

#### **MEETING OF NOVEMBER 29, 2000**

**A meeting of the New York State Racing and Wagering Board was held on Wednesday, November 29, 2000 at 11:30 a.m. at the Racing & Wagering Board's Albany Office located at 1 Watervliet Avenue Extension, Albany, New York.**

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

**In Attendance Were:**

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

**Joseph Neglia, Member**

**Cheryl Buley, Member**

**Ed Martin, Executive Director**

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

**Robert Feuerstein, General Counsel**

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

**Joe Lynch, Chief of Racing Operations**

**Also in Attendance Were:**

**Dianne Landor, NYSR&WB**

**Stacy Walker, NYSR&WB**

**Dan Wray, NYC OTB**

**Dick Powell, Vernon Downs**

**Charles Coppola, Coppola Ryan & McHugh**

**Dennis Kopec, Capital OTB**

**Tod Grenci, Capital OTB**

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

**Open Comment Period: Dan Wray from New York City OTB expressed concerns**

**regarding the Vernon Downs telephone wagering system being operated outside of New York State.**

**Dick Powell from Vernon Downs stated that Vernon Downs will abide by the rules of New York State and they will have complete control over all accounts.**

**A. The Board approved the minutes of the Board meeting held on October 25, 2000.**

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

**1. NYRA REQUEST TO AMEND PLAN OF OPERATION - FANTASY CHALLENGE**

**For entry into the minutes, on October 25, 2000, approval was granted for the request by NYRA for the New York Racing Association's Aqueduct Inner Track Fantasy Challenge game to be conducted via the official NYRA website.**

**This Fantasy contest will be conducted per all rules submitted to the Board including the newly revised rules regarding two allowable stable roster changes at specified times during the life of this contest.**

**2. NYRA REQUEST TO ADD TO RACES OF SPECIAL INTEREST**

**For entry into the minutes, on October 25, 2000, approval was granted for the request by NYRA, dated October 25, 2000, to amend it's simulcast plan of operation by offering a guaranteed one million dollar pick-six pool on Sunday, November 26, 2000 on the last six races contested at Hollywood Park.**

**This designated special event will be a member of the "special events" group known as the subsequent thirty-five and taxed as such. It is understood that should no participant in this Saturday pick-six pool select all six winners, the net pool will be carried over to Wednesday, November 29, 2000.**

**No wagering on any race on any approved California thoroughbred racing program may occur between 7:30 p.m. and midnight.**

**3. NEW YORK CITY OTB REQUEST TO OFFER PROMOTION**

**For entry into the minutes, on October 25, 2000, approval was granted for the request by New York City OTB to award a Sprint PCS cellular phone to any individual opening a new telephone betting account, reviving a dormant account or adding to an existing account in the amount of ten dollars (\$10.00) or more.**

**The customer has the option of not accepting the Spring PCS cell phone should he or she not desire to do so. This promotion is effective immediately and will continue through December 31, 2000.**

**4. VERNON DOWNS REQUEST TO OFFER PROMOTION - BREEDER'S CUP DAY**

**For entry into the minutes, on October 26, 2000, approval was granted for the request by Vernon Downs to conduct a year 2000 Breeder's Cup Day promotion on the afternoon of Saturday, November 4<sup>th</sup>.**

**The approved promotion involves drawing three names at random after each Breeder's Cup race and awarding each winner a coupon good for a single ten-dollar exacta wager. The wager must be placed during the November 4<sup>th</sup> afternoon's racing program.**

**5. NEW YORK CITY OTB REQUEST TO AMEND CONTRACT WITH COLONIAL DOWNS**

**For entry into the minutes, on October 31, 2000, approval was granted for the request by New York City OTB, dated October 30, 2000, to amend its plan of operation enabling the simulcast of the harness meeting at Colonial downs in New Kent, Virginia with the New York State OTB simulcasts beginning on Sunday, November 5<sup>th</sup>.**

**This simulcast signal may be imported whenever permissible under the Racing Law, but only until November 14<sup>th</sup> per the letter from the Virginia Racing Commission. On November 14<sup>th</sup> the Virginia Commission may issue permission for simulcasts to continue to out-of-state venues, including New York State. To continue with the Colonial Downs harness simulcast after November 14<sup>th</sup>, a new federally required permission letter from the Virginia Commission must be filed with the Board.**

**This approval, effective immediately, further extends to the other New York State regional off-track betting corporations of Capital, Catskill, Nassau, Suffolk and Western OTB. Also note that no more than five out-of-state harness simulcasts may be imported on any one date.**

**6. FINGER LAKES STEWARD REQUEST FOR EXTENSION OF APPRENTICE JOCKEY ALLOWANCE - FORKHAMER**

**For entry into the minutes, on November 2, 2000, approval was granted for the request by Finger Lakes Steward, Stuart Rainey, for an extension of the qualified apprentice year of jockey Pauline Forkhamer of an additional 104 days.**

**Ms. Forkhamer's date of record for the expiration of her apprenticeship allowance is now February 18, 2001.**

**7. VERNON DOWNS REQUEST FOR A HARNESS SPECIAL EVENT**

**For entry into the minutes, on November 3, 2000, approval was granted for the request by Vernon Downs to designate the year 2000 edition of "The Windy City Pace" from**

**Maywood Park in Illinois as a harness special event under Section 1007(6)(a) of the Racing, Pari-Mutuel Wagering and Breeding Law.**

**8. NASSAU OTB REQUEST TO SIMULCAST DOVER DOWNS**

**For entry into the minutes, on November 3, 2000, approval was granted for the request by Nassau OTB to import simulcast harness racing programs form Dover Downs in Delaware through April 26, 2001. This simulcast may be imported and wagering conducted whenever in accordance with the Racing Law.**

**This approval extends to Suffolk Regional OTB as well.**

**9. MONTICELLO RACEWAY REQUEST FOR SIMULCASTS FOR YEAR 2000**

**For entry into the minutes, on November 8, 2000, approval was granted for the request by Monticello Raceway for an amendment to their simulcast plan of operation enabling the import of the simulcast racing signal from Hollywood Park, a thoroughbred racetrack in California.**

**This simulcast may be utilized for wagering purposes at Monticello Raceway whenever in accordance with the Racing Law.**

- **For entry into the minutes, on November 15, 2000, approval was granted for the request by Monticello Raceway to amend its plan of operation enabling the import of simulcasts from Golden Gate Fields, a thoroughbred racetrack in California, effective immediately.**

**This approval is valid through December 31, 2000. These simulcasts may be imported whenever permitted under the Racing Law.**

**Also, approval was granted for the request to amend their plan of operation enabling the import of simulcasts from Lebanon Raceway in Ohio.**

**This approval extends throughout the remainder of the year 2000 racing season at Lebanon Raceway, scheduled to end on December 30<sup>th</sup>.**

- **For entry into the minutes, on November 22, 2000, approval was granted for the request for a change in the plan of operation at Monticello Raceway enabling the import of simulcasts from the Fair Grounds.**

**Approval is valid through the end of the 2000-2001 Fair Grounds race meeting scheduled to conclude on March 23, 2001. These simulcasts may be imported whenever permitted under the Racing Law.**

#### **10. SARATOGA HARNESS REQUEST TO ADD RACING DAYS**

**For entry into the minutes, on November 8, 2000, approval was granted for the amendment to the Saratoga Equine Sports Center's plan of operation enabling the addition of four matinees on Saturdays during the month of December.**

**These matinees will be raced on the Saturdays of December 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup> and 30<sup>th</sup>.**

#### **11. VERNON DOWNS REQUEST TO OFFER PROMOTION ON 11/11/00**

**For entry into the minutes, on November 8, 2000, approval was granted for the request by Vernon Downs to conduct a year 2000 "final night" promotion on the evening of Saturday, November 11<sup>th</sup>. The approved**

**promotion involves drawing fifty names at random during the evening and awarding each winner a coupon good for a single ten dollar exacta wager. The wager must be placed during the November 11<sup>th</sup> racing program.**

**Vernon Downs is not charging its customers any fee whatsoever to enter this promotion or the other promotions of the evening awarding tickets to the Syracuse-Georgetown college basketball or the New York Jets professional football games.**

**12. YONKERS RACEWAY REQUEST TO EXPORT SIMULCAST TO GARDEN STATE PARK**

**For entry into the minutes, on November 8, 2000, approval was granted for the request by Yonkers Raceway to amend its simulcast plan of operation enabling the export of simulcast harness racing programs from Yonkers to Garden State Park in Cherry Hill, New Jersey throughout the year 2001.**

**This approval extends through December 31, 2001.**

**13. FINGER LAKES REQUEST FOR ADDITIONAL DAYS IN DECEMBER**

**For entry into the minutes, on November 15, 2000, approval was granted for the request by Finger Lakes for an amendment to their plan of operation enabling the addition of four live racing programs on Monday, Tuesday, Friday and Saturday, December 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup>, weather permitting.**

**14. SARATOGA HARNESS REQUEST TO IMPORT SIMULCAST FROM VARIOUS OUTLETS IN 2000**

**For entry into the minutes, on November 15, 2000, approval was granted for the request by Saratoga Harness to amend their simulcast plan of operation enabling the import of the simulcast racing signal from Hollywood Park, a thoroughbred racetrack in California.**

**This simulcast may be utilized for wagering purposes at Saratoga Harness whenever in accordance with the Racing Law.**

**15. VERNON DOWNS REQUEST TO SIMULCAST CAL EXPO & MAYWOOD PARK**

**For entry into the minutes, on November 15, 2000, approval was granted for the request by Vernon Downs to amend their simulcast plan of operation enabling the import of the harness simulcast signals from Maywood Park in Illinois and Cal Expo in California whenever permitted under the Racing Law.**

**Under Section 1016 of the Racing Law, no more than five out-of-state harness simulcasts may be imported on any one date.**

**16. YONKERS RACEWAY REQUEST TO SIMULCAST FROM CAL EXPO**

**For entry into the minutes, on November 15, 2000, approval was granted for the request by Yonkers Raceway to amend their simulcast plan of operation enabling the import of simulcast harness racing programs from Cal Expo in Sacramento, California throughout the remainder of the year 2000 Cal Expo harness race meeting.**

**Approval is effective immediately.**

**17. CAPITAL OTB REQUEST FOR NEW CONCESSIONAIRE - PLATTSBURGH**

**Fore entry into the minutes, on November 15, 2000, approval was granted for the request by Capital OTB for the appointment of Joseph D. Ambrosio to the position of concessionaire at the Plattsburgh branch at Capital District Regional Off-Track Betting Corporation.**

**18. NASSAU OTB REQUEST TO SIMULCAST SAM HOUSTON RACE PARK**

**For entry into the minutes, on November 15, 2000, approval was granted for the request by Nassau OTB to amend their simulcast plan of operation, dated November 9, 2000, enabling the import of the 2000-2001 thoroughbred meeting from Sam Houston Race Park in Texas.**

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

**19. YONKERS RACEWAY REQUEST TO EXPORT SIMULCASTS FOR 2001**

**For entry into the minutes, on November 15, 2000, approval was granted for the request by Yonkers Raceway for an amendment to its 2001 simulcast plan of operation enabling the export of its simulcasts to various in-state and contiguous state venues.**

**Specifically approved are exports to the in-state racetracks of Monticello Raceway and Vernon Downs and the contiguous state racetracks of Ladbroke at the Meadows in Pennsylvania, Suffolk Downs in Massachusetts and The Meadowland in New Jersey.**

**This approval is effective upon Yonkers Raceway receiving a year 2001 simulcast license.**

- For entry into the minutes, on November 22, 2000, approval was granted for the request by Yonkers Raceway to export its simulcast harness racing programs to Plainridge Racecourse in Plainville, Massachusetts during the calendar year of 2001.

This approval expires after the December 31, 2001 Yonkers Raceway racing program.

**20. CAPITAL OTB REQUEST TO CLOSE E-Z BET LOCATION - MOIRA**

For entry into the minutes, on November 15, 2000, approval was granted for the request by Capital OTB to amend their plan of operation and close the Franklin County off-track betting E-Z Bet facility generally known as "Crossroads-Moira".

**21. NASSAU OTB REQUEST TO SIMULCAST FROM THE FAIR GROUNDS & GOLDEN GATE FIELDS**

For entry into the minutes, on November 15, 2000, approval was granted for the request by Nassau OTB to amend their simulcast plan of operation enabling the import of simulcasts from Golden Gate Fields and the Fair Grounds whenever permitted by the Racing Law.

The Golden Gate Fields simulcast is approved through December 31, 2000 while the Fair Grounds' simulcast is approved through the end of the New Orleans racetrack's end of meeting.

This approval extends to Suffolk OTB.

**22. SUFFOLK OTB REQUEST TO HOLD 1<sup>ST</sup> HANDICAPPING CONTEST FOR 2001**

For entry into the minutes, on November 15, 2000, approval was granted for the request by Suffolk OTB, dated November 14, 2000, to conduct the 2001 Harness Tournament, as outlined in the official rules and regulations.

It is understood that at least half of the ten harness races utilized in this contest will be simulcast races from an in-state harness track in compliance with Section 908 of the Racing Law. Furthermore, the "wildcard win option" as outlined in rule #9 will be accepted on any one of the ten races at the contestants choosing, that are a part of this contest. This results in nine races on which a contestant has mythical \$200 win and \$200 place wagers and one race with a straight \$400 win wager (no place).

This approval is specific to a one-day contest on Friday, January 12, 2001 at the Tel-A-Race in Hauppauge, New York.



**23. BUFFALO RACEWAY REQUEST TO ADD RACING DAYS**

For entry into the minutes, on November 21, 2000, approval was granted for the request by Buffalo Raceway to add three Thursday matinee racing programs on November 30<sup>th</sup>, December 7<sup>th</sup> and 14<sup>th</sup> of the year 2000.

**24. FINGER LAKES REQUEST TO EXPORT TO ARIMA RACE CLUB**

For entry into the minutes, on November 21, 2000, approval was granted for the request by Finger Lakes for the agreement with Stevenson & Associates, Inc. to export the Finger Lakes simulcasts to the Arima Race Club and its off-track facilities in Trinidad.

These approvals are given in accordance with the Board policy of requiring all agreements involving the export of New York State licensee simulcast signals to be filed with the Board if such are:

- New entities (as is this agreement)
- In-State sites
- Sites in contiguous states

All other exports of in-state simulcast signals to entities not falling within the above three guidelines are approved with the continuing requirement that a monthly list of receiving sites and rates charged are filed with the Board.

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

**1. VERNON DOWNS REQUEST TO WAIVE SECTION 1016 OF THE RACING, PARI-MUTUEL WAGERING & BREEDING LAW**

For entry into the minutes, on November 6, 2000, the Board approved the request by Vernon Downs for the Board to grant a waiver to Vernon Downs, under Section 1016(2)(g) of the Racing, Pari-Mutuel Wagering and Breeding Law, from adhering to Section 1016(2)(f) of said Racing Law.

This waiver allows removal of the restriction on the number of days per week under Vernon Downs' current simulcast license that out-of-state or out-of-country harness simulcasting may be conducted.

**2. GAMETECH INTERNATIONAL REQUEST TO APPROVE ELECTRONIC BINGO AID**

For entry into the minutes, on November 16, 2000, the Board granted approval of the request for approval of GameTech International's electronic

**bingo aid, Diamond TED (The Electronic Dauber) device and the Diamond fixed base electronic bingo aid. Both systems comply with the laws of New York State and the restrictions incorporated in the New York State Attorney General's Opinion, 99-F2.**

**3. IN THE MATTER OF CARLOS CAMILO**

**For entry into the minutes, on November 17, 2000, the Board granted approval for the request for summary suspension of the thoroughbred jockey license of Carlos Camilo. On November 6, 2000 he provided a urine sample at Finger Lakes Race Track. On November 17, 2000 the Board was advised that he tested positive for a metabolite of cocaine. This is a violation of Board Rule 4042.5 (a, c) and his Consent of Condition for Reinstatement, dated September 22, 2000. A hearing was scheduled for November 22, 2000. The suspension will remain in effect pending further disposition by the Board after the hearing.**

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

**1. IN THE MATTER OF DAVID J. GEORGE**

**The Board approved the recommendation of Hearing Officer Dranichak that Mr. George's groom license remain suspended and that he be considered for licensing only upon submission of acceptable proof of satisfactory participation in a substance abuse program and proof of fitness to participate in racing, including the submission of urine samples to Board representatives which continually test negative for unlawful drugs.**

**2. IN THE MATTER OF RUSSELL A. MCKEEVER**

**The Board approved the recommendation of Hearing Officer Dranichak that Mr. McKeever's groom license remain suspended and that he be considered for licensing only upon submission of acceptable proof of satisfactory participation in a substance abuse program and proof of fitness to participate in racing, including the submission of urine samples to Board representatives which continually test negative for unlawful drugs.**

**3. IN THE MATTER OF CARL MONTI**

**The Board approved the recommendation of Hearing Officer Martin that the decision of the Presiding Judge at Buffalo Raceway (that on April 15, 2000 Carl Monti violated Board Rules in that the horse competed in the 8th race**

with illegal drugs in its system) be confirmed and modified the 180 day suspension, based on unique circumstance, to be a suspension for 60 days, effective at the discretion of the Presiding Judge, together with a fine, warranted in lieu of the specific penalty recommended by Hearing Officer Martin because of the seriousness of this violation, of \$1500. The Board provided however, that the final 30 days of his license suspension and \$750 of his fine are stayed and subsequently shall be deemed satisfied in the event that Mr. Monti does not violate any Board rule that concerns drugs, his conduct, or any matter affecting the integrity of racing during a one year time per period commencing with the first day of his suspension.

**4. IN THE MATTER OF JORDAN RUBIN**

The Board approved the recommendation of Hearing Officer Brittell that Mr. Rubin's license to participate in harness racing in New York be revoked pursuant to section 309 of Racing, Pari-Mutuel Racing and Breeding Law and Section 4119.7(a)(4) of 9 NYCRR.

**5. IN THE MATTER OF MANUEL TORRES**

The Board approved the recommendation of Hearing Officer Dranichak that Mr. Torres' thoroughbred jockey license remain suspended and that he be considered for licensing only upon submission of acceptable proof of satisfactory participation in a substance abuse program and proof of fitness to participate in racing, including the submission of urine samples to Board representatives which continually test negative for unlawful drugs.

**6. IN THE MATTER OF THE CLAIM OF THE HORSE "FARM SAVER" IN THE 9<sup>TH</sup> RACE AT FINGER LAKES**

The Board approved the recommendation of Hearing Officer Dranichak that the decision of the stewards denying the petition to void the claim of FARM SAVER in the 9th race on September 2, 2000 be affirmed.

**7. IN THE MATTER OF THE DISQUALIFICATION OF THE HORSE "WHO'SRUNNINTHESHOW" IN THE 8<sup>TH</sup> RACE AT FINGER LAKES**

The Board approved the recommendation of Hearing Officer Dranichak that the decision of the Stewards at Finger Lakes Race Track, which disqualified the horse WHO'SRUNNINTHESHOW, pursuant to Board Rule 9 NYCRR Section 4035.2 be affirmed.

**8. IN THE MATTER OF THE SCRATCH OF "GO TOP DRAWER" FROM THE 8<sup>TH</sup> RACE AT YONKERS RACEWAY**

The Board approved the recommendation of Hearing Officer Brittell and determined that the scratch of GO TOP DRAWER was in error and that the scratch of GO TOP DRAWER from the 8<sup>th</sup> race at Yonkers Raceway on September 21, 2000 be deemed annulled.

**9. RULE PROPOSAL TO IMPLEMENT STATUTORY CHANGES FROM CALENDAR YEAR LICENSING TO DATE OF BIRTH LICENSING**

The Board approved the proposal to amend Board Rules 9 NYCRR 4002.7, 4101.24 and 4205.1 to implement statutory changes for a date of birth occupational licensing procedure. The amendments are effective January 1, 2001.

**10. JOCKEY INJURY COMPENSATION FUND ASSESSMENT FORMULA FOR 2001**

The Board approved an amendment to the plan of operation of the New York Jockey Injury Compensation Fund, Inc. enabling the method of funding and assessment as outlined in the application letter, dated November 14, 2000.

**11. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$102,091.94**

The Board approved \$102,026.73 of Finger Lakes' request to withdraw \$102,091.94 from its Capital Improvement Fund. The Board denied \$65.21 for tickets and associated sales tax. The Board considers tickets a supply, not a capital improvement.

**12. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$33,039.65**

The Board approved the Finger Lakes request to withdraw \$33,039.65 from its Capital Improvement Fund for Advertising and Promotional expenses.

**13. NYRA STATE STEWARD REQUEST FOR EXTENSION OF APPRENTICESHIP - DUARTE**

The Board approved the extension to the apprenticeship year of Jorge Duarte, Jr. for an additional one-hundred eighty-seven (187) days based on time lost due to a race-related injury incurred on April 2, 2000 and Mr. Duarte was enrollment in school from April 5<sup>th</sup> through October 2<sup>nd</sup>.

The original date of the expiration of his ability to claim the five-pound apprentice allowance was January 1, 2001. His new expiration date will be July 7, 2001. During this extended time period, Jorge Duarte, Jr. will be eligible to claim his five-pound apprentice allowance in all overnight races (other than stakes or handicaps).

**14. SARATOGA HARNESS REQUEST TO OFFER SUPERFECTA WAGERING**

The Board approved, for the remainder of the current year 2000 racing season, the ability of Saratoga Harness to conduct "superfecta wagering" on its second, sixth and final race each Saturday matinee. This approval expires upon the completion of the final December year 2000 racing card conducted at Saratoga Harness.

As track licenses are issued on a calendar basis, the type of wagering opportunities to be offered to the public are approved based on this yearly application. The remainder of this current request to have three superfectas daily during January and February of the year 2001 may be applied for within the track license application, due by Friday, December 1<sup>st</sup>.

**15. VERNON DOWNS REQUEST TO IMPLEMENT TELEPHONE WAGERING SYSTEM**

The Board authorized Vernon Downs to operate a telephone wagering system pursuant to Section 1012 of the Racing, Pari-Mutuel Wagering and Breeding Law, as described in the contract dated November 29, 2000.

**16. CAPITAL OTB REQUEST TO AMEND PLAN OF OPERATION - E-Z BET**

The Board denied the Capital OTB request for a refund of paid simulcast license fees for the E-Z Bet facilities at Muddy's, Fox Run Parc and The Country Grove Inn pursuant to Section 1008 of the Racing statute.

Additionally, the license fee of \$500 for the facility located at the Black Bear Lounge in Pottersville is currently due.

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

**1. BUFFALO RACEWAY ANNUAL CIF INSPECTION - 11/00-41-E**

Annual walk through for 2001.

**2. FINGER LAKES ANNUAL CIF INSPECTION - 11/00-42-E**

Annual walk through for 2001.

**3. MONTICELLO RACEWAY ANNUAL CIF INSPECTION - 11/00-43-E**

Annual walk through for 2001.

**The Meeting was adjourned at 1:23 p.m.**