

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF NOVEMBER 13, 2002

A meeting of the New York State Racing and Wagering Board was held on Wednesday, November 13, 2002 at 10:00 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 10:01 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

Tom Casaregola, Director of Audits & Investigations

Joe Lynch, Chief of Racing Operations

Also in Attendance Were:

Dianne Landor, NYSR&WB

Stacy Clifford, NYSR&WB

Denise Poole, NYSR&WB

Rick Goodell, NYSR&WB

Steve Bochnak, NYS Assembly

Tom Precious, Buffalo News/Bloodhorse

Mike Gormley, Associated Press

Bill Crowell, WEMED

OPEN COMMENT PERIOD: The Board, upon recommendation of the Executive Director, commended its employees who conducted the successful investigation into the Breeders' Cup Pick 6 wager: Tom Casaregola, Pat Wade; Greg Schreffler; Joe Lynch; Mike DeMarco; Erin O' Donovan; Jim Kellogg, Dave Furlong, Chris Embler and Louis Gonzalez.

A. The Board approved the minutes of the Board meeting held on October 16, 2002.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.

1. VERNON DOWNS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2002

For entry into the minutes, on October 17, 2002, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from Windsor Raceway in Ontario, Canada during the remainder of the year 2002.

This approval is effective immediately.

* For entry into the minutes, on November 1, 2002, approval was granted for the request by Vernon Downs to amend their simulcast plan of operation enabling the import of simulcasts from Dover Downs in Delaware during the remainder of the year 2002, effective with the opening program of the Fall-Winter Dover Downs season. The Fall-winter season is currently scheduled for November 2, 2002.

2. WESTERN OTB REQUEST TO CANCEL RACING - THANKSGIVING

For entry into the minutes, on October 21, 2002, approval was granted for the request by Western OTB/Batavia Downs to cancel the previously approved date of racing for Thursday, November 28, 2002.

3. WESTERN OTB REQUEST TO CANCEL RACING DATES - BATAVIA DOWNS

For entry into the minutes, on October 30, 2002, approval was granted for the request by Western OTB/Batavia Downs to cancel the previously approved dates of racing for Thursdays, October 31st, December 5th, 12th & 19th and Wednesdays, November 6th, 13th, 20th and December 4th, 11th, 18th.

The Board approved the request to cancel Thursday, November 28th, the previously scheduled Thanksgiving Day program, on October 21, 2002.

4. NASSAU OTB REQUEST FOR VARIOIUS SIMULCAST LOCATIONS FOR 2002

For entry into the minutes, on November 5, 2002, approval was granted for the request by Nassau OTB to amend its simulcast plan of operation enabling the import of the Los Alamitos simulcast signal.

This approval is valid throughout the remaining year 2002 race meeting for Los Alamitos. This approval further extends to the Suffolk Regional Off-Track Betting Corporation.

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

1. IN THE MATTER OF CLAUDE BOURGEOIS

The Board approved the recommendation of Hearing Officer Baller that the decision of the Presiding Judge at Saratoga Raceway, which granted the horse BODACIOUS STORM permission to wear hoppers in the 5th race on August 27, 2002, be affirmed.

2. IN THE MATTER OF MICHAEL DICKINSON

After consideration of the Supplemental Report of Hearing Officer Baller, the prior Report of the Hearing Officer, the Board's June 13, 2002 Findings & Order, and the Board's Order of Remand, the Board approved the Hearing Officer's recommendation to confirm the \$250.00 fine for violation of Board Rules 9(E) NYCRR 4043.2 and 4043.4 as a result of the finding that an excess of the drug furosemide was administered on June 30, 2001 to the horse FLEET RENEE.

3. IN THE MATTER OF KEVIN FARRELL

The Board approved the findings of fact and conclusions of the Hearing Officer to the extent they presuppose an unconditional general services harness racing license being sought by respondent be affirmed but because limits may uniquely be placed on the scope and conditions of the specific employment position sought by respondent, and based on the unique aspects of his underlying offense and his evidence of rehabilitation, the Board further finds that the issuance of a conditional license as set forth below would not involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. The Board ordered, that the decision to deny a general services harness racing license to respondent is affirmed, unless respondent shall agree to the following conditions:

(a) respondent shall be restricted in his employment to pre-determined, specific daily activities that involve painting;

(b) respondent shall be accompanied by another employee in the same work crew at all times while at Board-regulated premises;

(c) respondent shall have no access to locked areas;

(d) respondent shall not occupy any part of such premises at a time when a licensee under the age of 18, any member of the public, or both, is or will be present;

(e) respondent shall continue to comply with all the terms and conditions of his probation; and

(f) the management of any Board-regulated premises at which respondent may work shall have agreed to monitor and enforce his compliance with the aforesaid terms and conditions; and

further ordered, that respondent may accept a license upon the aforesaid conditions during the balance of his current application year and for his next application year (to November 29, 2003), and that any license application made thereafter shall be subject to additional and independent Board review.

4. RULE MAKING PROPOSAL HARNESS VETERINARY RECORDKEEPING REQUIREMENTS

The Board approved the proposed rule amendments which require Board licensed veterinarians to submit written records no later than 24 hours after treatment or, if treatment is within 24 hours, no later than one hour prior to post-time. The proposal also provides for confidentiality of records and amends record keeping requirements for the furosemide administration form. It was approved as well to add a requirement for the filing of a written record of veterinary treatment by veterinarians who are not licensed by the Board. The records would be filed no later than one hour before the scheduled race. Sanctions would exist in the event records are not filed.

Board Rule 4120.9 (Records of veterinarian) would be amended to be identical in substance to the already Board approved (as a proposal) thoroughbred Rule 4043.9. A new harness rule 4120.10 would be identical in substance to the Board approved Rule 4043.10.

5. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$8,558.53

The Board approved the request by Finger Lakes Racing Association, Inc., dated October 14, 2002, to withdraw \$8,558.53 from its Capital Improvement Fund for capital improvement expenditures.

Backstretch & Barns (47%)

Roof-Test Barn \$4,800.00

Other (53%)

(6) Guest Chairs General Manager' s Office 962.68 (2) Time Lapse VCR' s 683.73

(2) Safety Storage Cabinets 1,256.14

(2) Air Conditioners 855.98

Total Other \$3,758.53

Total Approved \$8,558.53

6. NYRA REQUEST FOR REMOVAL OF BUILDING - BELMONT

The Board approved the amended request by NYRA for removal of the former laundry building located near the gate 6 entry to Belmont Park, pursuant to Section 239 of the Racing, Pari-Mutuel Wagering and Breeding Law.

7. SARATOGA HARNESS REQUEST TO AMEND RACING SCHEDULE FOR DECEMBER 2002

The Board approved an amendment to the Saratoga Equine Sports Center plan of operation enabling the cancellation of the scheduled Sunday race dates of December 8th, 15th, 22nd, and 29th and the addition of Friday dates of December 6th, 13th, 20th and 27th.

The four added Fridays will have matinee (afternoon) racing.

8. YONKERS RACEWAY REQUEST TO WITHDRAW FROM CIF - \$263,337.93

The Board approved the withdrawal of \$263,337.93 from Yonkers' Capital Improvement Fund account, as requested in the letter of October 23, 2002. This application was for expenses, previously approved by the Board, related to the demolition of the Grandstand and the relocation of racing related services to the Clubhouse.

The approval of this application completes the recovery of Grandstand demolition and relocation costs for Yonkers.

9. WESTERN OTB REQUEST TO APPOINT NEW DIRECTOR - WAMP

The Board approved the appointment of Mr. Thomas P. Wamp to the Western Regional Off-Track Betting Corporation' s Board of Directors.

Mr. Wamp will be representing the County of Livingston on Western' s Board.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. GAMES OF CHANCE – BINGO REGISTRATION NUMBERS – OCTOBER/NOVEMBER –

11/02-02-E

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between October 5, 2002 – November 1, 2002.

2. GAMES OF CHANCE – BELL JAR TICKETS – OCTOBER/NOVEMBER - 11/02-01-E

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between

October 5, 2002 – November 1, 2002.

3. INDIAN GAMING LICENSING STATISTICS – OCTOBER 2002 - 11/02-04E

Licensing statistics for the month of October 2002. Also included are the certifications for Turning Stone and Akwesasne.

4. LICENSING – CURRENT LICENSING COUNT AS OF 10/7/02 - 11/02-03E

The current licensing count as of November 4, 2002 are as follows: total receipts 12,573 and total licenses 10,506.

5. NOTICE OF ADOPTION FOR ELECTRONIC BINGO AIDS RULES - PUBLISHED – 10/02-25-E

The Notice of Adoption of the Electronic Bingo Aid Rules (9 NYCRR Section 5800.1[n] and Part 5823) was published in the State Register on October 23, 2002. These rules became effective upon publication on October 23, 2002.

The meeting was adjourned at 10:35 a.m.