



**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF AUGUST 30, 2012**

**A meeting of the New York State Racing and Wagering Board was held on Thursday, August 30, 2012 at 11:00 a.m. at the Racing & Wagering Board's Schenectady Office located at 1 Broadway Center, Suite 600, Schenectady, New York.**

**The meeting was called to order at 11:06 a.m.**

**In Attendance Were:**

John D. Sabini, Chairman  
Daniel D. Hogan, Member  
Charles J. Diamond, Member  
Ronald G. Ochrym, Executive Director  
Robert Feuerstein, General Counsel  
Thomas Casaregola, Audits & Investigations  
Kristen Buckley, Acting Secretary to the Board

**Also in Attendance Were:**

Kenneth Council, Deputy Executive Director  
Lee Park, NYSR&WB  
Stacy Harvey, NYSR&WB  
Michelle Martin, NYSR&WB  
James Kellogg, NYSR&WB  
Patrick Wade, NYSR&WB  
Mark Stuart, NYSR&WB  
William Sekellick, NYSR&WB  
Nicole Luskin, NYSR&WB  
Richard Burstein, Nolan & Heller, LLP  
Robert Hemsworth, Capital OTB  
Jim Crane, Crane & Parente

**OPEN COMMENT PERIOD: Began: 11:06 a.m. Ended: 11:06 a.m.**

Comments were received from Gary Greenberg via e-mail and are attached to the minutes.

No other comments were made.

**A.** The Board approved the minutes of the Board meeting held on July 30, 2012.

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

**1. BATAVIA DOWNS – REQUEST TO CONDUCT THIRTEEN RACES ON SELECT FRIDAY AND SUNDAY CARDS**

For entry into the minutes, on July 31, 2012, the New York State Racing and Wagering Board approved the July 30, 2012 application by Batavia Downs to conduct thirteen races on selected Friday night cards and Sunday afternoon cards.

**2. BATAVIA DOWNS/WESTERN OTB – EXPORT TO VARIOUS LOCATIONS IN 2012**

For entry into the minutes, on July 31, 2012, the New York State Racing and Wagering Board approved the Batavia Downs request to simulcast its harness racing programs for wagering purposes to Racing and Gaming Services (for the following eight [8] sites: TRA Code RGW; TRA Code RG1; TRA Code RG2; TRA Code RG4; TRA Code RG5; TRA Code RG6; TRA Code RG7 and TRA Code RG8), St. Kitts for the calendar year 2012. **Not approved** is TRA Code: RG3.

3. For entry into the minutes, on August 9, 2012, the New York State Racing and Wagering Board approved the Batavia Downs request to simulcast its harness racing programs for wagering purposes for the year 2012 to Bettor Racing HV, TRA Code BRX, a secondary site associated with the previously approved simulcasts to Lewiston Raceway, Bettor Racing.

**4. BUFFALO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**

For entry into the minutes, on July 31, 2012, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes for the year 2012 to www.DerbyJackpot.com, TRA Code DJP, a secondary site associated with the previously approved simulcasts to Ebet Technologies.

**5. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT BET \$100 GET \$100 PROMOTION**

For entry into the minutes, on August 17, 2012, the New York State Racing and Wagering Board approved the August 16, 2012 application by the Capital District Regional Off-Track Betting Corporation to conduct the Bet \$100 Get \$100 promotion for New Capital Bets account holders from Monday, August 20, 2012 through Friday, August 24, 2012.

6. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT THE DAY AFTER TRAVERS DRAWING AND FREE ADMISSION AT THE CLUBHOUSE RACE BOOK**  
For entry into the minutes, on August 20, 2012, the New York State Racing and Wagering Board approved the amended August 17, 2012 application by the Capital District Regional Off-Track Betting Corporation to conduct the Day After Travers Drawing and Free Admission on Sunday, August 26, 2012 at the Clubhouse Race Book.
7. **CAPITAL DISTRICT REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2012**  
For entry into the minutes, on August 16, 2012, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from GBI Racing Limited, United Kingdom through December 31, 2012.
8. **FINGER LAKES RACETRACK – REQUEST APPROVAL TO CONDUCT \$2,500 HORSE RACING BINGO**  
For entry into the minutes, on August 9, 2012, the New York State Racing and Wagering Board approved the July 4, 2012 application by the Finger Lakes Racing Association, Inc. to conduct \$2,500 Horse Racing Bingo on Saturday, August 11, Saturday, August 18, Saturday, September 1 and Saturday, September 8, 2012.
9. **FINGER LAKES RACETRACK – REQUEST TO CONDUCT VARIOUS PROMOTIONS THROUGHOUT SEPTEMBER 2012**  
For entry into the minutes, on August 15, 2012, the New York State Racing and Wagering Board approved the August 10, 2012 application by the Finger Lakes Racing Association, Inc. to conduct the specified promotions during September, 2012 with the exception of Family Fun Day, which does not require approval.
10. **FINGER LAKES RACETRACK – EXPORT TO VARIOUS LOCATIONS IN 2012**  
For entry into the minutes, on July 31, 2012, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to Bettor Racing HV, TRA Code BRX, a secondary site associated with the previously approved simulcasts to Lewiston Raceway, Bettor Racing.
11. For entry into the minutes, on August 1, 2012, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to www.DerbyJackpot.com, TRA Code DJP, a secondary site associated with the previously approved simulcasts to Ebet Technologies.

12. For entry into the minutes, on August 8, 2012, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Montana Simulcast Racing, LLC (with seven [7] secondary sites: Billings Won \$800 Casino, TRA Code 8CP; Butte M & M Casino & Cigar Bar, TRA Code MBC; Great Falls Halftime Sports Bar, TRA Code HSB; Helena Bull's Eye Casino, TRA Code BEC; Kalispell Scotty's Bar & Steak House, TRA Code KAL; Missoula Crossland Katie O'Keefes, TRA Code MMO; Miles City Golden Spur, TRA Code GLD), Montana through the remainder of calendar year 2012.
13. For entry into the minutes, on August 24, 2012, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to TVG Illinois, TRA Code TVI.
14. **MONTICELLO RACEWAY – REQUEST TO CONDUCT NORTH AMERICAN AMATEUR DRIVERS ASSOCIATION SERIES RACES**  
For entry into the minutes, on August 15, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request by letter dated August 8, 2012 to conduct up to three North American Amateur Drivers Association versus the New Zealand Amateur Club races on Wednesday, September 5, 2012.
15. **MONTICELLO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2012**  
For entry into the minutes, on July 31, 2012, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Atlantic Lottery Corp., Prince Edward Island, Canada for the calendar year 2012.
16. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**  
For entry into the minutes, on July 31, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to [www.DerbyJackpot.com](http://www.DerbyJackpot.com), TRA Code DJP, a secondary site associated with the previously approved simulcasts to Ebet Technologies.
17. For entry into the minutes, on July 31, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes to Ida Racing at Sandy Downs, TRA Code TET (with two [2] secondary sites: The Turf Club OTB, TRA Code TCC and Idabet.com, TRA Code IDB), Idaho for the calendar year 2012.
18. For entry into the minutes, on July 31, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to Prairie Meadows TVG Account Wagering, TRA Code TVP, a secondary site associated with the previously approved simulcasts to ODS Technologies, L.P. d/b/a TVG Network.

19. For entry into the minutes, on August 1, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to Eagles Nest OTB, TRA Code ENO, a secondary site associated with the previously approved simulcasts to Horse Racing New Brunswick.
20. **NYRA – REQUEST APPROVAL OF NEW RACING OFFICIAL – KRISTEN PASTIR**  
For entry into the minutes, pursuant to Board Rule 4005.1, on July 27, 2012, the New York State Racing and Wagering Board approved the request of the New York Racing Association to employ Dr. Kristen Pastir as an examining veterinarian for the remainder of the 2012 racing season.
21. **NYRA – EXPORT TO VARIOUS LOCATIONS IN 2012**  
For entry into the minutes, on July 31, 2012, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to Coughatta Casino Resort, TRA Code CSR, a secondary site associated with the previously approved simulcasts to Sportech Venues, Inc. **Not Approved** is Winners Circle, TRA Code WCO.
22. For entry into the minutes, on July 31, 2012, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to Santa Clarita Lanes, TRA Code SCL, a secondary site associated with the previously approved simulcasts to Monarch Content Management, LLC.
23. For entry into the minutes, on August 8, 2012, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to Prairie Meadows TVG Account Wagering, TRA Code TVP, a secondary site associated with the previously approved simulcasts to ODS Technologies, L.P. d/b/a TVG Network.
24. For entry into the minutes, on August 8, 2012, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to Bettor Racing HV, TRA Code BRX, a secondary site associated with the previously approved simulcasts to Lewiston Raceway.
25. For entry into the minutes, on August 8, 2012, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to Offtrackbetting.com, TRA Code L3W, a secondary site associated with the previously approved simulcasts to Lien Games Racing, LLC.

26. For entry into the minutes, on August 16, 2012, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to Major Willy Mayo's OTB, TRA Code CDW, a secondary site associated with the previously approved simulcasts to Colonial Downs.
27. For entry into the minutes, on August 24, 2012, the New York State Racing and Wagering Board approved the New York Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to TVG Illinois, TRA Code TVI.
28. **TIOGA DOWNS – REQUEST TO PAY DRIVERS RACING AT TIOGA DOWNS \$15 PER START**  
For entry into the minutes, on August 8, 2012, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated July 17, 2012 for approval to pay drivers racing at Tioga Downs \$15 per start beginning upon approval with retroactive payments dating back to July 6, 2012.
- This approval was conditioned on compliance with the terms submitted to the Board, and these payments being made by the Southern Tier Harness Horsemen's Association rather than Tioga Downs.
29. **TIOGA DOWNS – REQUEST TO CONDUCT THE PROMOTIONAL RACING UNDER SADDLE EXHIBITION ON SEPTEMBER 3, 2012**  
For entry into the minutes, on August 10, 2012, the New York State Racing and Wagering Board approved the Tioga Downs request by letters dated July 5, 2012 and August 9, 2012 to conduct the "Racing Under Saddle Exhibition Race" on Monday, September 3, 2012.
30. **TIOGA DOWNS – REQUEST TO CONDUCT THE MILLION DOLLAR BALL DROP**  
For entry into the minutes, on August 16, 2012, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated June 20, 2012 to conduct the Million Dollar Ball Drop on Monday, September 3, 2012.
31. **TIOGA DOWNS – EXPORT TO VARIOUS LOCATIONS IN 2012**  
For entry into the minutes, on August 24, 2012, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes for the year 2012 to TVG Illinois, TRA Code TVI.
32. **VERNON DOWNS – REQUEST TO AMEND THE DRIVER'S CHAMPIONSHIP PAYMENTS**  
For entry into the minutes, on August 8, 2012, the New York State Racing and Wagering Board approved the Vernon Downs request by letter dated July 11, 2012 authorizing the payment of \$100 to owners of horses finishing sixth through ninth in the races used for the 2012 Driver's Championship on Sunday, August 26, 2012.

Approval was conditioned upon these payments being made by the Harness Horsemen's Association of Central New York rather than Vernon Downs.

33. **VERNON DOWNS – REQUEST TO MOVE QUALIFIERS ON AUGUST 24, 2012**  
For entry into the minutes, on August 8, 2012, the New York State Racing and Wagering Board approved the Vernon Downs request by letter dated August 1, 2012 to move qualifiers on Friday, August 24, 2012 from 11:00 a.m. to 10:00 a.m.
34. **VERNON DOWNS – REQUEST TO MODIFY THE DRIVER'S RACE RULES**  
For entry into the minutes, on August 8, 2012, the New York State Racing and Wagering Board approved the Vernon Downs request by letter dated July 11, 2012 to modify the rules previously approved by the Board on June 25, 2012 for the 2012 Driver's Championship to be conducted on Sunday, August 26, 2012.  
  
This approval was conditioned upon the requirement that all drivers be named prior to the start of wagering.
35. **VERNON DOWNS – REQUEST TO CONDUCT THE PROMOTIONAL RACING UNDER SADDLE EXHIBITION ON SEPTEMBER 7, 2012**  
For entry into the minutes, on August 10, 2012, the New York State Racing and Wagering Board approved the Vernon Downs request by letters dated July 5, 2012 and August 9, 2012 to conduct the "Racing Under Saddle Exhibition Race" on Friday, September 7, 2012.
36. **VERNON DOWNS – REQUEST TO CHANGE POST-TIME ON NOVEMBER 3, 2012**  
For entry into the minutes, on August 15, 2012, the New York State Racing and Wagering Board approved the Vernon Downs request by letter dated August 9, 2012 to change the post-time on November 3, 2012 from 6:55 p.m. to 6:00 p.m.
37. **VERNON DOWNS – REQUEST TO CONDUCT THE MILLION DOLLAR BALL DROP**  
For entry into the minutes, on August 16, 2012, the New York State Racing and Wagering Board approved the Vernon Downs request by letter dated June 20, 2012 to conduct the Million Dollar Ball Drop on Saturday, September 1, 2012.
38. **YONKERS RACEWAY – REQUEST TO CONDUCT NORTH AMERICAN AMATEUR DRIVERS ASSOCIATION SERIES RACES**  
For entry into the minutes, on August 15, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request by letter dated August 10, 2012 to conduct up to three North American Amateur Drivers Association versus the New Zealand Amateur Club races on Thursday, September 6, 2012.

39. **YONKERS RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2012**  
For entry into the minutes, on August 1, 2012, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Indiana Downs, Indiana through November 7, 2012.
40. For entry into the minutes, on August 8, 2012, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from the Red Mile, Kentucky through October 7, 2012.
41. For entry into the minutes, on August 13, 2012, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from the following tracks:
1. Laurel Park, Maryland through December 31, 2012.
  2. Golden Gate Fields, California from August 17 through September 16, 2012.
42. **YONKERS RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**  
For entry into the minutes, on July 31, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to [www.DerbyJackpot.com](http://www.DerbyJackpot.com), TRA Code DJP, a secondary site associated with the previously approved simulcasts to Ebet Technologies.
43. For entry into the minutes, on August 24, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway, Inc. request to simulcast its harness racing programs for wagering purposes for the year 2012 to TVG Illinois, TRA Code TVI.

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

1. **NYRA – REQUEST FOR DESIGNATION OF ADDITIONAL OFF-TRACK PREMISES AS NYRA BARN AREAS FOR THE 2012 SARATOGA RACE COURSE MEETING**  
For entry into the minutes, on July 30, 2012, the New York State Racing and Wagering Board ("Board") approved the July 27, 2012 application of The New York Racing Association, Inc. ("NYRA") for authorization to deem certain specified off-track premises/properties to be NYRA on-track premises for the purposes of compliance with Board rules and requirements, including Rule 4043.2(b). This written approval is effective from July 30, 2012 through and including the final date of the 2012 Saratoga Race Course meeting. It is limited to the following three (3) properties/barns, (all in Saratoga Springs) for which three (3) specific trainers have submitted written consents to this arrangement, including recognition of the fact that these premises will be subject to the Rules of the Board:



1. Barn 1, Stalls 1-4 at 144 Jefferson Street (Michael S.R. Wilson)
2. Barn 2, Stalls 5-8 at 144 Jefferson Street (David W. Appel, Jr.)
3. Stalls 3-4 at 13 Bowman Street (Robert Reinacher).

2. **NYRA – REQUEST FOR DESIGNATION OF ADDITIONAL OFF-TRACK PREMISES AS NYRA BARN AREAS FOR THE 2012 SARATOGA RACE COURSE MEETING**

For entry into the minutes, on July 30, 2012, the New York State Racing and Wagering Board ("Board") approved the July 30, 2012 application of The New York Racing Association, Inc. ("NYRA") for authorization to deem certain specified off-track premises/properties to be NYRA on-track premises for the purposes of compliance with Board rules and requirements, including Rule 4043.2(b). This written approval is effective from July 30, 2012 through and including the final date of the 2012 Saratoga Race Course meeting. It is limited to the following two (2) properties/barns, (all in Saratoga Springs) for which two (2) specific trainers have submitted written consents to this arrangement, including recognition of the fact that these premises will be subject to the Rules of the Board:

1. Stalls 5-8 at 144 Jefferson Street (Tamzen Johnson)
2. Barn 1, Stalls 80-82 at 36 Nelson Avenue (Eoin Harty).

3. **NYRA – REQUEST FOR DESIGNATION OF ADDITIONAL OFF-TRACK PREMISES AS NYRA BARN AREAS FOR THE 2012 SARATOGA RACE COURSE MEETING**

For entry into the minutes, on August 2, 2012, the New York State Racing and Wagering Board ("Board") approved the August 2, 2012 application of The New York Racing Association, Inc. ("NYRA") for authorization to deem certain specified off-track premises/properties to be NYRA on-track premises for the purposes of compliance with Board rules and requirements, including Rule 4043.2(b). This written approval is effective from August 2, 2012 through and including the final date of the 2012 Saratoga Race Course meeting. It is limited to the following specified stalls at Dr. Barnes' Equine Medical Clinic, 63 Hennig Road, Saratoga Springs, for which two (2) specific trainers have submitted written consents to this arrangement, including recognition of the fact that these premises will be subject to the Rules of the Board:

1. Stalls 12-13 at 63 Hennig Road (Jasmine Naprovnik)
2. Stall 5 at 63 Hennig Road (Julie Gomena).

4. **NYRA – REQUEST FOR DESIGNATION OF ADDITIONAL OFF-TRACK PREMISES AS NYRA BARN AREAS FOR THE 2012 SARATOGA RACE COURSE MEETING**

For entry into the minutes, on August 3, 2012, the New York State Racing and Wagering Board ("Board") approved the August 3, 2012 application of The New York Racing Association, Inc. ("NYRA") for authorization to deem certain specified off-track premises/properties to be NYRA on-track premises for the purposes of

compliance with Board rules and requirements, including Rule 4043.2(b). This written approval is effective from August 3, 2012 through and including the final date of the 2012 Saratoga Race Course meeting. It is limited to the following specified stalls at Dr. Barnes' Equine Medical Clinic, 63 Hennig Road, Saratoga Springs, for which two (2) specific trainers have submitted written consents to this arrangement, including recognition of the fact that these premises will be subject to the Rules of the Board:

1. Stalls 1-4 at 63 Hennig Road (Todd J. Wyatt)
2. Stalls 6-7 at 63 Hennig Road (Neil R. Morris), and the property located at 44 Gridley Avenue (2 stalls in left corner of rear wing) for trainer Reade Baker.

5. **NYRA – REQUEST FOR DESIGNATION OF ADDITIONAL OFF-TRACK PREMISES AS NYRA BARN AREAS FOR THE 2012 SARATOGA RACE COURSE MEETING**

For entry into the minutes, on August 9, 2012, the New York State Racing and Wagering Board (Board) approved the August 8, 2012 application of The New York Racing Association, Inc. (NYRA) for authorization to deem certain specified off-track premises/properties to be NYRA on-track premises for the purposes of compliance with Board rules and requirements, including Rule 4043.2(b). This written approval is effective from August 9, 2012 through and including the final date of the 2012 Saratoga Race Course meeting. It is limited to the following one (1) property/barn, (located in Saratoga Springs) for which one (1) specific trainer has submitted written consent to this arrangement, including recognition of the fact that these premises will be subject to the Rules of the Board:

Stall 18-19 at 63 Hennig Road (Kate Dalton)

6. **WESTERN REGIONAL OTB/BATAVIA DOWNS – EXPANSION OF THE MAINTENANCE/STORAGE FACILITY ADDITION AT BATAVIA DOWNS AS PART OF THE RELOCATION OF VIDEO GAMING ACTIVITIES TO THE FIRST FLOOR**

For entry into the minutes, on August 15, 2012, the New York State Racing and Wagering Board (the Board) approved the request of Batavia Downs for construction work detailed in their August 10, 2012 letter to the Board and the City of Batavia Building Permit dated August 8, 2012. The work is for the expansion of the Maintenance/Storage facility. This request was approved pursuant to section 322 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

7. **NOTICE OF EMERGENCY ADOPTION – REIMBURSEMENT RULE FOR HARNESS RACING OFFICIALS**

For entry into the minutes, on August 15, 2012, the New York State Racing and Wagering Board approved the adoption by emergency rule making of add new section 4101.41 to 9E NYCRR of the Board's harness rules. This amendment implements Part Y of Chapter 58 of the Laws of 2012. Under Chapter 58, the costs for one associate judge and the starter will be reimbursed by each licensed racing corporation where the associate judge or starter is employed.

8. **VERNON DOWNS – REQUEST FOR TEMPORARY LICENSING EXEMPTION AND SECTION 322 PERMIT FOR BRUCE SPRINGSTEEN CONCERT ON AUGUST 29, 2012**

For entry into the minutes, on August 17, 2012, the New York State Racing and Wagering Board (Board) approved the Vernon Downs request by letter dated July 6, 2012 and subsequent correspondence to provide an exemption from licensing requirements for the Bruce Springsteen concert personnel that are to be on the grounds between August 24, 2012 and August 31, 2012. This approval was conditioned on strict adherence to the procedures set forth in the correspondence and the requirement that Vernon Downs submit a complete list of names of persons seeking a licensing exemption by August 24, 2012.

Also, pursuant to Section 322 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law, the Board granted a permit for construction related to the event. This approval was limited to the scope of the permit issued by the Town of Vernon.

9. **NYRA – REQUEST FOR TEMPORARY APPROVAL - ADDITIONAL CALL CENTER**

For entry into the minutes, on August 23, 2012, the New York State Racing and Wagering Board (Board) approved the New York Racing Association, Inc. (NYRA) request for partial utilization of the Portland, Oregon call center on August 25, 2012 pursuant to its application and subsequent correspondence with Board staff. The approval was conditioned on NYRA filing a report with the Board no later than close of business August 29, 2012 indicating the volume of calls and handle wagered at the Amherst, New York call center and the same at the Portland, Oregon call center.

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

1. **OSWEGO RACING, INC. – CERTIFICATE OF INCORPORATION**

Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 302, the New York State Racing and Wagering Board approved and indorsed the certificate of incorporation of Oswego Racing, Inc., thus permitting its filing with the New York State Department of State.

2. **SARATOGA HARNESS – AMENDMENT TO CERTIFICATE OF INCORPORATION**

The New York State Racing and Wagering Board approved an amendment to the certificate of incorporation of Saratoga Harness Racing, Inc. to change the purposes clause by adding a new subparagraph (i) to paragraph 2 as follows:

- “(i) To lend money to or guarantee the obligation of any director, officer or shareholder of the Corporation provided that the Board of Directors determines that the loan or guarantee benefits the Corporation and either approves the specific loan or guarantee or general plan authorizing loans and guarantees.”

3. **SARATOGA HARNESS – REQUEST TO IMPLEMENT NEW WAGER – PICK 5**

The New York State Racing and Wagering Board (Board) approved the request dated August 6, 2012 from Saratoga Casino and Raceway (SCR) to implement a Pick 5 wager. Approval is conditioned on compliance with the following:

- The Pick 5 shall be conducted according to the submitted application and referenced rule (Method 7, Pick (n) with No Minor Pool and Carryover).
- SCR shall provide a copy to the Department of Taxation and Finance for their review of all end of day wagering reports from the first day the Pick 5 is offered.
- SCR shall notify the Board when it terminates the guaranteed amount.
- SCR must provide notice of the Pick 5 rules in a prominent manner for the benefit of the wagering public.

4. **2011 MAINTENANCE OF EFFORT PAYMENTS 1017.2.a AND ADDITIONAL PAYMENTS 1017.2.b**

The New York State Racing and Wagering Board (Board) approved the schedules referenced in Section 1017.2.a of the Racing, Pari-Mutuel Wagering and Breeding Law that each off-track betting corporation submitted to the Board for 2011.

Following are listings of the amounts owed by each New York State off-track betting corporation to its regional tracks for 2011:

Catskill Regional Off-Track Betting Corporation

Yonkers Raceway	\$95,620.54
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Nassau Regional Off-Track Betting Corporation

Monticello Raceway	\$105,900.92
Yonkers Raceway	<u>536,892.60</u>
	\$642,793.52

Suffolk Regional Off-Track Betting Corporation

Yonkers Raceway	\$231,353.46
Monticello Raceway	<u>8,070.26</u>
	\$239,423.72

Capital District Regional Off-Track Betting Corporation

Saratoga Harness	\$272,831.29
Vernon Downs	<u>83,459.69</u>
	\$356,290.08

The Board directed and required that these payments be made no later than thirty (30) calendar days after August 30, 2012.

The aggregate nighttime thoroughbred handle for the OTBs was less than One Hundred Million Dollars for the year therefore no additional payments are due any regional tracks under 1017.2.b.

5. **CAPITAL DISTRICT REGIONAL OTB – NEW MEMBER TO BOARD OF DIRECTORS FOR ALBANY COUNTY – ARNOLD MENDOZA**  
The New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation request to amend its plan of operation to reflect the appointment of Mr. Arnold Mendoza as Albany County’s representative to the Capital District Regional Off-Track Betting Corporation’s Board of Directors.
  
6. **NASSAU REGIONAL OTB – REQUEST TO AMEND ACCOUNT WAGERING PLAN OF OPERATION – CHANGE OF ELECTRONIC SIGNATURE VENDOR**  
The New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request to amend its account wagering plan of operation to reflect the change of its electronic signature vendor as provided for in its June 20, 2012 application and subsequent correspondence with staff.
  
7. **NASSAU REGIONAL OTB – REQUEST TO AMEND ACCOUNT WAGERING PLAN OF OPERATION – INCREASE ACH LIMITS**  
The New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request to amend its plan of operation to increase its immediate available funds policy as provided in its June 29, 2012 application and subsequent correspondence with staff.
  
8. **TIOGA DOWNS – REQUEST FOR APPROVAL OF TOTALISATOR AGREEMENT WITH UNITED TOTE**  
The New York State Racing and Wagering Board approved the totalisator agreement dated June 1, 2012 between American Racing-Tioga Downs, Inc. and United Tote Company.
  
9. **VERNON DOWNS – REQUEST FOR APPROVAL OF TOTALISATOR AGREEMENT WITH UNITED TOTE**  
The New York State Racing and Wagering Board approved the totalisator agreement dated June 1, 2012 between American Racing-Vernon Downs, Inc and United Tote Company.
  
10. **NOTICE OF ADOPTION – MAXIMUM FINE AMOUNTS IN HORSERACING**  
The New York State Racing and Wagering Board approved the adoption of amendments to the Board’s thoroughbred, harness and quarterhorse racing rules to raise the maximum allowable fines from \$5,000 to \$25, 000 based on statutory amendments in Chapter 240 of the Laws of 2010.
  
11. **NOTICE OF ADOPTION – REIMBURSEMENT RULE FOR HARNESS RACING OFFICIALS**  
The New York State Racing and Wagering Board approved the adoption of new Section 4101.41 to 9E NYCRR of the Board’s harness rules. This amendment implements Part Y of Chapter 58 of the Laws of 2012 pursuant to which the costs for one associate judge and the starter will be reimbursed by each licensed racing corporation where the associate judge or starter is employed.

12. **IN THE MATTER OF JOHN CUMMINGS, JR.**  
The New York State Racing and Wagering Board adopted the recommendation of Hearing Officer Clemente J. Parente that the thirty (30) day license suspension of John Cummings, Jr., because he drove the horse Mr. Rickey N in the 4<sup>th</sup> race on July 16, 2011 “with a design not to win or in a manner inconsistent with an attempt to win”, in violation of Board Rule 4117.4 (n), be upheld.
13. **IN THE MATTER OF STEVEN P. COHEN**  
The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer, Clemente J. Parente to uphold the denial of a harness racing general services license to Steven P. Cohen based upon findings that he made a false statement on his license application regarding his criminal history and that Mr. Cohen’s experience, character and general fitness are such that his participation in racing is inconsistent with the public interest, convenience and necessity, or with the best interests of racing generally.
14. **IN THE MATTER OF SALVATORE V. MARCHESE**  
The New York State Racing and Wagering Board dismissed the appeal from the denial of the harness trainer-farrier license of Salvatore V. Marchese as untimely.
15. **SUFFOLK REGIONAL OTB – QWIK BET TOMMY’S PLACE AT ROCKY POINT – NEW OWNER – DANIEL PESCE – NEW NAME FOR FACILITY – CARMODY’S**  
The New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation simulcast plan of operation authorizing the operation of a Qwik Bet simulcast facility located in Carmody’s, 42 Broadway Rocky, Point, New York. This location was formerly known as Tommy’s Place at Rocky Point and was previously approved by the Board on April 30, 2009.

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

1. **INDIAN GAMING/LICENSING STATISTICS**  
Licensing statistics for July 1, 2012 through July 31, 2012. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.
2. **LICENSING/CURRENT LICENSE COUNT**  
The racing licensing counts as of July 31, 2012 since January 1, 2012 were as follows: total receipts 11,521 and total licenses 7,329 for the year 2012.
3. **GAMES OF CHANCE/BELL JAR TICKETS**  
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between July 1, 2012 and July 31, 2012.

4. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from July 2, 2012 through July 31, 2012.

5. **2012 LICENSED SUPPLIERS**

There were no supplier licenses issued for the time period of July 1, 2012 through July 31, 2012.

**F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED**

None.

**The meeting adjourned at 11:52 a.m.**