



**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF AUGUST 31, 2011**

**A meeting of the New York State Racing and Wagering Board was held on Wednesday, August 31, 2011 at 2:00 p.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 2:01 p.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  
Nicole Robilotto, Director of Licensing  
Michelle Martin, NYSR&WB  
John Googas, NYSR&WB  
James Kellogg, NYSR&WB  
Mark Stuart, NYSR&WB  
Rick Goodell, NYSR&WB  
William Sekellick, NYSR&WB  
Michael Amo  
Robert Hemsworth, Capital OTB

**OPEN COMMENT PERIOD: Began: 2:01 p.m. Ended: 2:01 p.m.**

No comments were made.

**A.** The Board approved the minutes of the Board meeting held on July 29, 2011.

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

**1. BATAVIA DOWNS – REQUEST TO CONDUCT A RACING AND GAMING MATCH PLAY COUPON PROMOTION**

For entry into the minutes, on August 25, 2011, the New York State Racing and Wagering Board approved the Batavia Downs request by letter dated August 18, 2011 to conduct a racing and gaming match play coupon promotion on Tuesdays and Wednesdays in September starting Wednesday, September 7, 2011.

**2. BATAVIA DOWNS/WESTERN REGIONAL OTB – EXPORT TO VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on August 25, 2011, the New York State Racing and Wagering Board approved the Batavia Downs request to simulcast its harness racing programs for wagering purposes to the New York Racing Association, New York through December 3, 2011.

3. For entry into the minutes, on August 25, 2011, the New York State Racing and Wagering Board approved the Batavia Downs request to simulcast its harness racing programs for wagering purposes to Harrah's Chester Downs, Pennsylvania through December 3, 2011.

4. For entry into the minutes, on August 24, 2011, the New York State Racing and Wagering Board approved the Batavia Downs request to simulcast its harness racing programs for wagering purposes to Source One Technologies, Florida through December 3, 2011.

**5. BUFFALO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from The Red Mile, Kentucky from August 7 through October 9, 2011.

6. For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from the Delaware County Fair, Ohio on Wednesday, September 21, 2011 and

Thursday, September 22, 2011 and participation in the two Little Brown Jug Future Wagers pools on Thursday, August 25, 2011 through Sunday, August 28, 2011 and the second pool held Sunday, September 18, 2011 through Wednesday, September 21, 2011.

7. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CLOSE BRANCH - PLATTSBURGH**

For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation's request to amend its plan of operation to reflect the closure of its 4 Seasons Plaza Branch located at 35B Smithfield Blvd, 528 Route 3, Plattsburgh, New York effective August 8, 2011.

8. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CLOSE BRANCH - UTICA**

For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation's request to amend its plan of operation to reflect the closure of its Bleecker Street Branch located at 713 Bleecker Street, Utica, New York effective August 13, 2011.

9. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CLOSE EZ-BET LOCATION – ALBANY (BROADWAY JOE'S)**

For entry into the minutes, on August 17, 2011, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation's request to amend its plan of operation to reflect the closure of its EZ-Bet located at 51 South Pearl St., Albany, New York effective August 9, 2011.

10. **CAPITAL DISTRICT REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Capital, Catskill, Nassau and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from Delaware County Fair, Ohio from September 20 through September 22, 2011 and participation in the two Little Brown Jug Future Wagers pools on Thursday, August 25, 2011 through Sunday, August 28, 2011 and the second pool held Sunday, September 18, 2011 through Wednesday, September 21, 2011.

11. **CATSKILL REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Catskill, Capital, Nassau and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from Remington Park, Oklahoma from August 18 through December 10, 2011.

12. For entry into the minutes, on August 25, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Catskill, Capital, Nassau and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from Cal Expo, California from August 26 through December 17, 2011.
13. **FINGER LAKES RACETRACK – REQUEST TO CANCEL RACING ON THURSDAY, SEPTEMBER 15, 2011**  
For entry into the minutes, on August 11, 2011, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request by letter dated August 10, 2011 to cancel racing on Thursday, September 15, 2011 in order to refresh the main track surface.
14. **FINGER LAKES RACETRACK – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Golden Gate Fields, California from August 19 through October 2, 2011.
15. For entry into the minutes, on August 18, 2011, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Laurel Park, Maryland from September 6 through December 31, 2011.
16. **FINGER LAKES RACETRACK – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on August 5, 2011, 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 2011 to the following secondary sites associated with the previously approved simulcasts to Churchill Downs Incorporated d/b/a Arlington Park and Churchill Downs Technology Initiatives:
  1. Trackside Villa Park.
  2. Keenelandselect.com.
17. **MONTICELLO RACEWAY – REQUEST TO CONDUCT THE NAADA (NORTH AMERICAN AMATEUR DRIVERS ASSOCIATION) SERIES IN CONJUNCTION WITH YONKERS RACEWAY**  
For entry into the minutes, on August 25, 2011, the New York State Racing and Wagering Board approved the Monticello Raceway request by letter dated August 22, 2011, for permission to conduct North American Amateur Drivers Association Series races on Thursday, October 6, 2011, Thursday, October 20, 2011, Thursday, November 3, 2011 and the consolation of the series on Wednesday, November 9, 2011.

18. **MONTICELLO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on July 29, 2011, 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 The Red Mile, Kentucky from August 7 through October 9, 2011.
19. For entry into the minutes, on August 5, 2011, 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 Northville Downs, Michigan from September 2 through November 19, 2011.
20. For entry into the minutes, on August 10, 2011, 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 Laurel Park, Maryland from September 6 through December 31, 2011.
21. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved Monticello Raceway’s request to simulcast its harness racing programs for separate pool wagering purposes to New Zealand Racing Board, New Zealand on Wednesday, August 3, 2011 only.
22. For entry into the minutes, on August 1, 2011, 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 2011 to Keenelandselect.com, a secondary site associated with the previously approved simulcasts to Churchill Downs Incorporated d/b/a Churchill Downs Technology Initiatives.
23. For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved Monticello Raceway’s request to simulcast its harness racing programs for wagering purposes to the New York Racing Association, New York through December 31, 2011.
24. For entry into the minutes, on August 8, 2011, 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 2011 to Win Race Pferderennen Vermarktungs GmbH, a secondary site associated with the previously approved simulcasts to Churchill Downs Incorporated d/b/a Global Wagering Solutions.
25. For entry into the minutes, on August 10, 2011, 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 2011 to [www.Betzotic.com](http://www.Betzotic.com), a secondary site associated with the previously approved simulcasts to Balmoral and Maywood Park.

26. For entry into the minutes, on August 10, 2011, 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 2011 to Alberta Bet, a secondary site associated with the previously approved simulcasts to Rocky Mountain Turf Club.
27. For entry into the minutes, on August 10, 2011, 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 2011 to Hawthorne Account Wagering, a secondary site associated with the previously approved simulcasts to Hawthorne Race Course.
28. For entry into the minutes, on August 10, 2011, 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 2011 to The Red Mile Account Wagering, a secondary site associated with the previously approved simulcasts to The Red Mile.
29. **NASSAU REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Nassau, Capital, Catskill and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from Hoosier Park, Indiana from August 2 through October 23, 2011.
30. For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Nassau, Capital, Catskill and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from Golden Gate Fields, California from August 19 through October 2, 2011.
31. **NYRA – REQUEST TO OFFER THE PLAY SARATOGA FACEBOOK GAME WITH EQUIBASE**  
For entry into the minutes, on August 1, 2011, the New York State Racing and Wagering Board approved the July 31, 2011 New York Racing Association request to offer the Play Saratoga Facebook Game partnered with Equibase from Wednesday, August 3, 2011 through Monday, September 5, 2011.
32. **NYRA – REQUEST TO OFFER THE NYRA REWARDS SIGN-UP PROMOTION**  
For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved the August 8, 2011 New York Racing Association request to offer the NYRA Rewards Sign-Up promotion for the remainder of the 2011 calendar year.

33. **NYRA – REQUEST TO CONDUCT A DRAWING FOR AN ELTON JOHN CONCERT PRIZE PACKAGE**  
For entry into the minutes, on August 18, 2011, the New York State Racing and Wagering Board approved the August 17, 2011, New York Racing Association request to conduct a drawing for an Elton John Concert Prize Package.
34. **NYRA – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Hoosier Park, Indiana from August 2 through October 23, 2011.
35. For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York Racing Association authorizing the simulcast for wagering purposes of races from following New York tracks:
1. Monticello Raceway through December 31, 2011.
  2. Saratoga Casino and Raceway through December 11, 2011.
  3. Tioga Downs through September 10, 2011.
  4. Vernon Downs through November 27, 2011.
36. For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York Racing Association authorizing the simulcast for wagering purposes of races from Batavia Downs, New York through December 3, 2011.
37. For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
1. Remington Park, Oklahoma from August 18 through December 10, 2011.
  2. Retama Park, Texas from September 1 through October 15, 2011.
38. For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
1. Golden Gate Fields, California from August 19 through October 2, 2011.
  2. Laurel Park, Maryland from September 6 through December 31, 2011.
39. **NYRA – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on August 8, 2011, 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 2011 to the following secondary sites associated with the previously approved simulcasts to Churchill Downs Incorporated d/b/a Global Wagering Solutions and Churchill Downs Technology Initiatives:

1. Win Race Pferderennen Vermarktungs GmbH.
  2. Keenelandselect.com.
40. **SARATOGA HARNESS – REQUEST TO CONDUCT A “\$50 REFER-A-PLAYER PAYBACK” LIMITED TIME PROMOTION THROUGHOUT AUGUST 2011**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved the July 18, 2011 Saratoga Casino and Raceway request to conduct the “\$50 Refer-A-Player Payback” promotion during the month of August 2011.
41. **SARATOGA HARNESS – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved an amendment to the Saratoga Casino and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from The Red Mile, Kentucky from August 7 through October 9, 2011.
42. For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved an amendment to the Saratoga Casino and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Hoosier Park, Indiana from August 2 through October 23, 2011.
43. For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved an amendment to the Saratoga Casino and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Remington Park, Oklahoma from August 18 through December 10, 2011.
44. For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved an amendment to the Saratoga Casino and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
1. The Downs at Albuquerque, New Mexico from August 13 through November 13, 2011.
  2. Will Rogers Downs, Oklahoma from September 9 through November 12, 2011.
45. For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved an amendment to the Saratoga Casino and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Golden Gate Fields, California from August 19 through October 2, 2011.



46. For entry into the minutes, on August 18, 2011, the New York State Racing and Wagering Board approved an amendment to the Saratoga Casino and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Lone Star Park (Monarch Content Management), Texas from September 16 through November 12, 2011.
47. For entry into the minutes, on August 24, 2011, the New York State Racing and Wagering Board approved an amendment to the Saratoga Casino and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from the Delaware County Fair, Ohio from September 20, 2011 through September 22, 2011 and participation in the two Little Brown Jug Future Wagers pools on Thursday, August 25, 2011 through Sunday, August 28, 2011 and the second pool held Sunday, September 18, 2011 through Wednesday, September 21, 2011.
48. For entry into the minutes, on August 25, 2011, the New York State Racing and Wagering Board approved an amendment to the Saratoga Casino and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
  1. Laurel Park, Maryland from September 6 through December 31, 2011.
  2. Hollywood Slots Hotel and Raceway (Formerly Bangor Raceway), Maine through November 12, 2011.
  3. Cal Expo, California from August 26 through December 17, 2011.
  4. Northville Downs, Michigan from September 2 through November 19, 2011.
49. For entry into the minutes, on August 26, 2011 the New York State Racing and Wagering Board approved an amendment to the Saratoga Casino and Raceway simulcast plan of operation to authorize the simulcast for wagering purposes of races from Timonium Fair (Monarch Content Management), Maryland from August 26 through September 5, 2011.
50. **SARATOGA HARNESS – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved Saratoga Casino and Raceway’s request to simulcast its harness racing programs for wagering purposes to the New York Racing Association, New York through December 11, 2011.
51. For entry into the minutes, on August 8, 2011, the New York State Racing and Wagering Board approved the Saratoga Casino and Raceway request to simulcast its harness racing programs for wagering purposes for the year 2011 to Win Race Pferderennen Vermarktungs GmbH, a secondary site associated with the previously approved simulcasts to Churchill Downs Incorporated d/b/a Global Wagering Solutions.
52. For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved the Saratoga Casino and Raceway request to simulcast its

thoroughbred racing programs for wagering purposes for the year 2011 to the following secondary sites associated with the previously approved simulcasts to Churchill Downs Incorporated d/b/a Arlington Park and Churchill Downs Technology Initiatives:

1. Trackside Villa Park.
2. Keenelandselect.com.

53. **SUFFOLK REGIONAL OTB – REQUEST TO HOLD OCTOBER HANDICAPPING CONTEST**

For entry into the minutes, on August 18, 2011, the New York State Racing and Wagering Board approved the August 16, 2011 Suffolk Regional Off-Track Betting Corporation request to conduct a Handicapping Contest at the Racing Forum, 690 Motor Parkway, Hauppauge, N.Y. 11788 on Saturday, October 22, 2011.

54. **SUFFOLK REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Suffolk, Capital, Catskill, Nassau and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from The Red Mile, Kentucky from August 7 through October 9, 2011.

55. For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Suffolk Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Hoosier Park, Indiana from August 2 through October 23, 2011.

56. For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Suffolk Regional Off-Track Betting Corporation to authorize the simulcast for wagering purposes of races from Remington Park, Oklahoma from August 18 through December 10, 2011.

57. For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Suffolk Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Golden Gate Fields, California from August 19 through October 2, 2011.

58. For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Suffolk Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Delaware County Fair, Ohio from September 20 through September 22, 2011 and participation in the two Little Brown Jug Future Wagers pools on Thursday, August 25, 2011 through Sunday, August 28, 2011 and the second pool held Sunday, September 18, 2011 through Wednesday, September 21, 2011.

59. For entry into the minutes, on August 25, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Suffolk Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Cal Expo, California from August 26 through December 17, 2011.
60. **TIOGA DOWNS – 2011 PROMOTIONS**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved the February 22, 2011 application by Tioga Downs to conduct their 2011 racing promotions and events. This approval is retroactive to the date of the earliest promotion or event.
61. **TIOGA DOWNS – REQUEST TO HOST A MYSTERY VOUCHER GIVEAWAY IN SEPTEMBER 2011**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved the July 20, 2011 Tioga Downs request, as clarified on July 20 and 22, 2011, to conduct the Mystery Voucher Giveaway on Saturday, September 10, 2011.
62. **TIOGA DOWNS – REQUEST TO HOLD THE “THAT’S MY DRIVER – DRIVERS’ CHAMPIONSHIP EDITION” PROMOTION ON AUGUST 28TH**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved the July 20, 2011 Tioga Downs request to conduct the That’s My Driver Contest- Drivers Championship Edition on Sunday, August 28, 2011.
63. **TIOGA DOWNS – REQUEST TO HOST THE CANE PACE WITH ELIMINATIONS (IF NECESSARY) WITH THE FINAL ON SEPTEMBER 10TH**  
For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated July 20, 2011 for authorization to host the Cane Pace and the Shady Daisy Pace with eliminations (if necessary) to be held on Saturday, September 3, 2011 and the finals to be held on Saturday, September 10, 2011.
64. **TIOGA DOWNS – REQUEST POSSIBLE RACE DATE CHANGE FROM AUGUST 28TH TO AUGUST 29TH DUE TO PENDING WEATHER**  
For entry into the minutes, on August 25, 2011, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated August 25, 2011 for permission to conduct the race card scheduled for Sunday, August 28, 2011 on Monday, August 29, 2011 at 1:30 p.m. in the event of any weather-related cancellations.
65. **TIOGA DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from The Red Mile, Kentucky from August 7 through October 9, 2011.

66. For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from the Delaware County Fair, Ohio from September 20 through September 22, 2011 and participation in the two Little Brown Jug Future Wagers pools on Thursday, August 25, 2011 through Sunday, August 28, 2011 and the second pool held Sunday, September 18, 2011 through Wednesday, September 21, 2011.
67. For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Golden Gate Fields, California from August 19 through October 2, 2011.
68. For entry into the minutes, on August 18, 2011, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Red Shores Racetrack at Charlottetown Driving Park, Prince Edward Island, Canada for the remainder of 2011.
69. **TIOGA DOWNS – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on August 1, 2011, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to the New York Racing Association, New York through September 10, 2011.
70. For entry into the minutes, on August 8, 2011, 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 2011 to Win Race Pferderennen Vermarktungs GmbH, a secondary site associated with the previously approved simulcasts to Churchill Downs Incorporated d/b/a Global Wagering Solutions.
71. **VERNON DOWNS – 2011 PROMOTIONS**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved the February 22, 2011 application by Vernon Downs to conduct their 2011 Racing promotions and events. This approval is retroactive to the date of the earliest promotion or contest.
72. **VERNON DOWNS – REQUEST TO HOST A MYSTERY VOUCHER GIVEAWAY IN SEPTEMBER 2011**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved the July 20, 2011 Vernon Downs request, as clarified on July 20 and 22, 2011, to conduct the Mystery Voucher Giveaway on Friday, September 2, 2011.

73. **VERNON DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from The Red Mile, Kentucky from August 7 through October 9, 2011.
74. For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from the Delaware County Fair, Ohio from September 20 through September 22, 2011 and to participate in the two Little Brown Jug Future Wagers pools on Thursday, August 25, 2011 through Sunday, August 28, 2011 and the second pool held Sunday, September 18, 2011 through Wednesday, September 21, 2011.
75. For entry into the minutes, on August 10, 2011, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Golden Gate Fields, California from August 19 through October 2, 2011.
76. For entry into the minutes, on August 18, 2011, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Red Shores Racetrack at Charlottetown Driving Park, Prince Edward Island, Canada for the remainder of 2011.
77. **VERNON DOWNS – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on August 5, 2011, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to the New York Racing Association, New York through November 27, 2011.
78. For entry into the minutes, on August 8, 2011, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes for the year 2011 to Win Race Pferderennen Vermarktungs GmbH, a secondary site associated with the previously approved simulcasts to Churchill Downs Incorporated d/b/a Global Wagering Solutions.
79. **YONKERS RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on July 29, 2011, 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 9, 2011.
80. For entry into the minutes, on August 1, 2011, 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 Hoosier Park, Indiana from August 2 through October 23, 2011.

81. For entry into the minutes, on August 10, 2011, 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 Golden Gate Fields, California from August 19 through October 2, 2011.
82. For entry into the minutes, on August 11, 2011, 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 the Japan Racing Association programs included as simulcasts in the Woodbine Entertainment Group program for the calendar year 2011. This supplements the prior 2011 approval for the simulcasting of Woodbine races.
83. **YONKERS RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on August 8, 2011, 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 2011 to Win Race Pferderennen Vermarktungs GmbH, a secondary site associated with the previously approved simulcasts to Churchill Downs Incorporated d/b/a Global Wagering Solutions.
84. For entry into the minutes, on August 10, 2011, 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 2011 to Alberta Bet, a secondary site associated with the previously approved simulcasts to Rocky Mountain Turf Club.

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

1. **NYRA – REQUEST FOR DESIGNATION OF OFF-TRACK PREMISES AS NYRA BARN AREA FOR THE 2011 SARATOGA RACE COURSE MEETING - ONE ADDITIONAL TRAINER**  
For entry into the minutes, on July 29, 2011, the New York State Racing and Wagering Board ("Board") approved the July 28, 2011 application of The New York Racing Association, Inc. ("NYRA") for authorization to deem one specified off-track premise/property (13 Bowman Street) to be NYRA on-track premises in relation to trainer Richard Valentine for the purposes of compliance with Board rules and requirements, including Rule 4043.2(b). This written approval is effective from July 22, 2011 through and including the final date of the 2011 Saratoga Race Course meeting.
2. **NYRA – REQUEST FOR DESIGNATION OF OFF-TRACK PREMISES AS NYRA BARN AREA FOR THE 2011 SARATOGA RACE COURSE MEETING - ONE ADDITIONAL TRAINER / LOCATION**  
For entry into the minutes, on August 1, 2011, the New York State Racing and Wagering Board ("Board") approved the July 30, 2011 application of The New York Racing Association, Inc. ("NYRA") for authorization to deem one specified off-track premise/property (37 Nelson Ave) to be NYRA on-track premises in relation to

trainer Desmond Farrell for the purposes of compliance with Board rules and requirements, including Rule 4043.2(b). This written approval is effective from August 1, 2011 through and including the final date of the 2011 Saratoga Race Course meeting.

3. **EMERGENCY RULEMAKING FOR ELECTRONIC APPLICATIONS FOR ADVANCED DEPOSIT WAGERING 9 NYCRR 5300.4, SUBDIVISION (a), PARAGRAPHS (4) AND (5)**

For entry into the minutes, on August 25, 2011, the New York State Racing and Wagering Board approved the adoption by emergency rule making of amendments to 9 NYCRR 5300.4(a)(4) and (a)(5) to provide continuing authorization for electronic applications for advanced deposit wagering. This rule will be in effect for 90 days once filed with the New York State Department of State. The Board has proposed permanent adoption of these amendments.

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

1. **SARATOGA HARNESS – REQUEST TO AMEND ACCOUNT WAGERING OF PLAN OF OPERATION FOR NEW ELECTRONIC PAYMENT PROCESSOR – ADMERIS PAYMENT SYSTEMS**

The New York State Racing and Wagering Board approved Saratoga Harness Racing Inc.'s request to amend its account wagering plan of operation in order to utilize Admeris as an electronic payment processor as specified in the July 13, 2011 application.

2. **2010 MAINTENANCE OF EFFORT PAYMENTS 1017.2.a AND 2010 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 2010.

Following are listings of the amounts owed by each New York State Off-Track Betting Corporation to its regional tracks for 2010:

Catskill Regional Off-Track Betting Corporation

|                    |              |
|--------------------|--------------|
| Monticello Raceway | \$146,769.76 |
|--------------------|--------------|

Nassau Regional Off-Track Betting Corporation

|                    |                   |
|--------------------|-------------------|
| Yonkers Raceway    | \$454,583.05      |
| Monticello Raceway | <u>193,400.04</u> |
|                    | \$647,983.09      |

Suffolk Regional Off-Track Betting Corporation

|                    |              |
|--------------------|--------------|
| Monticello Raceway | \$159,509.99 |
|--------------------|--------------|

Capital District Regional Off-Track Betting Corporation

|                  |                  |
|------------------|------------------|
| Saratoga Harness | \$268,962.35     |
| Vernon Downs     | <u>92,558.56</u> |
|                  | \$361,520.91     |

The Board directed and required that these payments be made no later than thirty (30) calendar days after August 31, 2011.

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.

3. **FINGER LAKES RACETRACK – REQUEST FOR ALTERNATE RACING OFFICIAL – PHILIP MERCANDETTI**

Pursuant to Board Rule 4005.1, the New York State Racing and Wagering Board approved the June 22, 2011 request of Finger Lakes Racing Association to employ Philip Mercandetti as an Alternate Racing Official for the remainder of the 2011 racing season.

4. **WESTERN REGIONAL OTB – NEW EZ-BET – THE PASTARIA PUB – LIMA**

The New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation simulcast plan of operation authorizing the operation of an EZ Bet simulcast facility located in Shell’s Pizza, LLC, d/b/a The Pastaria Pub, 7281 West Main Street, Lima, NY.

5. **PROPOSED THOROUGHBRED ALCOHOL TESTING RULE AND RELATED HARNESS RULE REVISIONS**

The New York State Racing and Wagering Board approved a proposed rule making to add a new Section 4042.6 to the thoroughbred racing rules and amend existing harness racing Rule 4104.12 in relation to testing licensees for the presence of excessive levels of alcohol. The rule proposal will be submitted for regulatory review and approval for publication in the New York State Register. If approved for publication, the rules will be published with a 45 day public comment period.

6. **IN THE MATTER OF SANTIAGO G. AGOSTO**

The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the harness racing groom’s license of Santiago G. Agosto shall remain suspended until such time as he demonstrates fitness to participate in horse racing by completing an accredited drug abuse treatment program. This results from a summary suspension by the Board based upon a June 25, 2011 positive drug test and his failure to comply with the terms of his Consent to Conditions for Reinstatement.



7. **IN THE MATTER OF THE DISQUALIFICATION OF “K F B ESPADA” AT BATAVIA DOWNS**

The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Clemente J. Parente that the appeal of the owner/trainer of K F B ESPADA from the decision of the judges at Batavia Downs to disqualify and place the horse last for breaking his gait and failing to lose ground during the 10<sup>th</sup> race on August 13, 2010 be dismissed on the basis that it is a non-reviewable judgment call.

8. **IN THE MATTER OF DEAN M. ECKLEY**

The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Clemente J. Parente that the harness racing trainer license of Dean M. Eckley be revoked based upon “a pattern of disrespectful and abusive conduct towards racing officials.” This results from an order to show cause based upon misconduct that occurred at Saratoga Casino and Raceway in April and June 2010.

9. **IN THE MATTER OF MARK WHITCROFT’S APPEAL OF THE DISQUALIFICATION OF “DANGNEARIDIOTPROOF” FROM THE 3RD RACE AT SARATOGA RACEWAY ON JULY 23, 2010**

The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Clemente J. Parente that the appeal of the owner of DANGNEARIDIOTPROOF from the decision of the judges at Saratoga Raceway that disqualified and placed that horse from 4<sup>th</sup> to 6<sup>th</sup> place based on interference during the 3<sup>rd</sup> race on July 23, 2010 be denied and the decision of the Presiding Judge be affirmed as a non-reviewable judgment call of the racing officials.

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

1. **INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for July 1, 2011 through July 31, 2011. 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, 2011 since January 1, 2011 were as follows: total receipts 11,006 and total licenses 8,858 for the year 2011.

3. **GAMES OF CHANCE/BELL JAR TICKETS**

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between July 1, 2011 and July 31, 2011.

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 8, 2011 through August 16, 2011.

5. **2011 LICENSED SUPPLIERS**  
List of licensed suppliers - manufacturers' and distributors' licenses issued for the time period of July 1, 2011 through July 31 2011.
6. **CAPITAL DISTRICT REGIONAL OTB – 2011 PLAYER REWARDS SECOND QUARTER RESULTS**  
The reports for the Capital District Regional OTB Player Rewards second quarter results of 2011 were filed with the Board.
7. **NASSAU REGIONAL OTB – 2011 PLAYER REWARDS SECOND QUARTER RESULTS**  
The reports for the Capital District Regional OTB Player Rewards second quarter results of 2011 were filed with the Board.
8. **MONTICELLO RACEWAY – REVIEW OF REQUIRED REPORT FOR THE PREVIOUSLY APPROVED REQUEST TO USE NINE HORSE FIELDS**  
The report on the impact of the nine horse fields on racing at Monticello Raceway was filed with the Board.

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

None.

**The meeting adjourned at 2:31 p.m.**