



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF OCTOBER 12, 2011**

A meeting of the New York State Racing and Wagering Board was held on Wednesday, October 12, 2011 at 1:00 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 1:02 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
James Kellogg, NYSR&WB
Mark Stuart, NYSR&WB
Rick Goodell, NYSR&WB
William Sekellick, NYSR&WB
Brian O'Neill
Dick Powell, RGS
Mike Kane, Thoroughbred Daily News
Victoria Lane, Greenberg Traurig
Michael Koenig, Greenberg Traurig
Jim Crane, CCG
Robert Hemsworth, Capital OTB

OPEN COMMENT PERIOD: Began: 1:02 p.m. Ended: 1:02 p.m.

No comments were made.

A. The Board approved the minutes of the Board meeting held on August 31, 2011.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. BATAVIA DOWNS – REQUEST TO OFFER A PLAYER’S CLUB “WIN BIG OR BUST” PROMOTION

For entry into the minutes, on September 7, 2011, the New York State Racing and Wagering Board approved the Batavia Downs request by letter dated August 22, 2011 to conduct the Win Big or Bust promotion on Friday nights until December 2, 2011.

2. BATAVIA DOWNS – REQUEST TO ADD A THIRTEENTH RACE ON OCTOBER 8, 2011

For entry into the minutes, on September 20, 2011, the New York State Racing and Wagering Board approved the Batavia Downs request by letter dated September 15, 2011 to add a thirteenth race on Saturday, October 8, 2011.

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

For entry into the minutes, on September 7, 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 following tracks through December 3, 2011:

1. Thistledown Racetrack, Ohio.
2. Parx Racing (with seven [7] secondary sites), Pennsylvania.

4. For entry into the minutes, on September 13, 2011, the New York State Racing and Wagering Board approved the Batavia Downs request to simulcast its harness racing programs for wagering purposes to Phumelela Gold International, Isle Of Man through December 3, 2011.

5. BUFFALO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2011

For entry into the minutes, on September 1, 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 Laurel Park, Maryland from September 6 through December 31, 2011.

6. For entry into the minutes, on September 7, 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 Turfway Park, Kentucky from September 8 through October 2, 2011.

7. For entry into the minutes, on September 26, 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:
 1. Keeneland Association, Kentucky from October 7 through October 29, 2011.
 2. Santa Anita Park, California from September 30 through November 6, 2011.

8. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CLOSE BRANCH - COXSACKIE**
 For entry into the minutes, on September 8, 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 Coxsackie Branch located at 12165 Rt. 9W, Unit #5 in West Coxsackie, New York effective September 25, 2011.

9. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT VARIOUS PROMOTIONS IN SEPTEMBER AND THE FALL SEASON**
 For entry into the minutes, on September 15, 2011, the New York State Racing and Wagering Board approved the August 26, 2011 application by the Capital District Regional Off-Track Betting Corporation to conduct the specified contests and promotion events during September and Fall Season 2011.

10. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT A FAN APPRECIATION DAY ON OCTOBER 1ST AT THE O’TOOLE’S EZ-BET LOCATION**
 For entry into the minutes, on September 27, 2011, the New York State Racing and Wagering Board approved the September 23, 2011 application by the Capital District Regional Off-Track Betting Corporation to conduct a Fan Appreciation Day at the O’Tooles EZ-Bet location on Saturday, October 1, 2011.

11. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT “FAN APPRECIATION DAYS”, “GRAND OPENING” AND “BREEDERS’ CUP DAY” PROMOTIONS DURING THE MONTH OF OCTOBER**
 For entry into the minutes, on September 28, 2011, the New York State Racing and Wagering Board approved the September 23, 2011 application by the Capital District Regional Off-Track Betting Corporation to conduct the specified handicapping contests and promotion events for October and the Breeders’ Cup, 2011.

12. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT VERNON DOWNS \$1,000 HANDICAPPING CONTEST ON OCTOBER 29TH AT THE ALBANY TELETHEATER**
 For entry into the minutes, on September 28, 2011, the New York State Racing and Wagering Board approved the September 21, 2011 application by the Capital District Regional Off-Track Betting Corporation to conduct a Vernon Downs \$1,000 handicapping contest on Saturday, October 29, 2011 at the Albany Teletheater.

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

For entry into the minutes, on September 1, 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 Laurel Park, Maryland from September 6 through December 31, 2011.

14. For entry into the minutes, on September 7, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Capital, Catskill, Nassau, Suffolk and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from:

1. Turfway Park, Kentucky from September 8 through October 2, 2011.
2. Kentucky Downs, Kentucky from September 10 through September 19, 2011.

15. For entry into the minutes, on September 28, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Capital, Catskill, Nassau, Suffolk and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from Turf Paradise, Arizona from October 1 through December 31, 2011.

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

For entry into the minutes, on September 1, 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 Fairplex Park, California from September 9 through September 26, 2011.

17. For entry into the minutes, on September 9, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Catskill, Capital, Nassau, Suffolk and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from Zia Park, New Mexico from September 10 through December 4, 2011.

18. For entry into the minutes, on September 15, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Catskill, Capital, Nassau, Suffolk and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from Lone Star Park, Texas from September 16 through November 12, 2011.

19. **FINGER LAKES RACETRACK – REQUEST TO CONDUCT THE 4TH ANNUAL \$30,000 FINGER LAKES CHARITY CUP**

For entry into the minutes, on September 15, 2011, the New York State Racing and Wagering Board approved the September 2, 2011 application by the Finger Lakes Racing Association, Inc. to conduct the 4th Annual \$30,000 Finger Lakes Charity Cup on September 24, 2011.

20. **FINGER LAKES RACETRACK – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on September 6, 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 Kentucky Downs, Kentucky from September 10 through September 19, 2011.

21. For entry into the minutes, on September 7, 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 Turfway Park, Kentucky from September 8 through October 2, 2011.

22. For entry into the minutes, on September 20, 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 Santa Anita Park, California from September 30 through November 6, 2011.

23. For entry into the minutes, on September 28, 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 Calder Race Course, Florida from October 1 through December 2, 2011.

24. **FINGER LAKES RACETRACK – EXPORT TO VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on September 20, 2011, the New York State Racing and Wagering Board approved Finger Lakes Racing Association, Inc.'s request to simulcast its thoroughbred racing programs for wagering purposes to Keeneland Association, Kentucky from October 7 through October 29, 2011.

25. **MONTICELLO RACEWAY – REQUEST TO CONDUCT CARETAKERS' CLASSIC RACES ON SEPTEMBER 21, 2011 AND SEPTEMBER 22, 2011**

For entry into the minutes, on September 16, 2011, the New York State Racing and Wagering Board approved the Monticello Raceway request by letter dated September 14, 2011, for permission to conduct the second annual Caretakers' Classic Races between the fifth and sixth races on Wednesday, September 21, 2011 and Thursday, September 22, 2011.

26. **MONTICELLO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on September 15, 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 Colonial Downs, Virginia from September 17 through November 5, 2011.

27. For entry into the minutes, on September 15, 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 Pompano Park, Florida from September 21 through December 31, 2011.
28. For entry into the minutes, on September 20, 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:
 1. Keeneland Association, Kentucky from October 7 through October 29, 2011.
 2. Santa Anita Park, California from September 30 through November 6, 2011.
29. For entry into the minutes, on September 26, 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 Calder Race Course, Florida from October 1 through December 2, 2011.
30. For entry into the minutes, on September 28, 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:
 1. Hawthorne Racecourse, Illinois from October 1 through December 31, 2011.
 2. Beulah Park, Ohio from October 10 through December 21, 2011.
31. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2011**
For entry into the minutes, on September 26, 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 Racing 2 Day International d/b/a stanjamesusa.com, a secondary site associated with the previously approved simulcasts to Racing 2 Day.
32. For entry into the minutes, on September 28, 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 Gulfstream Park, Florida, a secondary site associated with the previously approved simulcasts to Pompano Park.
33. **NASSAU REGIONAL OTB – REQUEST TO CONDUCT THE “FALL FLING HANDICAPPING CONTEST”**
For entry into the minutes, on September 26, 2011, the New York State Racing and Wagering Board approved the September 1, 2011 application by the Nassau Regional Off-Track Betting Corporation to conduct the “Fall Fling Handicapping Contest” from Monday, October 10, 2011 through October 27, 2011 with the finals being conducted on Saturday, October 29, 2011 at the Race Palace.

34. **NASSAU REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2011**
For entry into the minutes, on September 1, 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 Retama Park, Texas through October 15, 2011.
35. For entry into the minutes, on September 26, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Nassau, Capital, Catskill, Suffolk and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from Santa Anita Park, California from September 30 through November 6, 2011.
36. **NYRA – REQUEST TO OFFER GUARANTEED POOLS DURING THE 2011 BELMONT PARK FALL RACE MEET**
For entry into the minutes, on September 1, 2011, the New York State Racing and Wagering Board approved the August 31, 2011 New York Racing Association request to offer the specified guaranteed Pick 4 pools during the 2011 Belmont Park Fall Race Meet.
37. **NYRA – REQUEST APPROVAL OF NEW RACING OFFICIAL - BAROODY**
For entry into the minutes, pursuant to Board Rule 4005.1, on September 13, 2011, the New York State Racing and Wagering Board approved the request of the New York Racing Association to employ Dr. Tamara Baroody as an examining veterinarian for the remainder of the 2011 racing season.
38. **NYRA – REQUEST TO CONDUCT BREEDERS’ CUP VOUCHER PROMOTION**
For entry into the minutes, on September 26, 2011, the New York State Racing and Wagering Board approved the September 8, 2011 New York Racing Association request to conduct the Breeders Cup Mystery Voucher Promotion on Saturday, November 5, 2011.
39. **NYRA – REQUEST TO OFFER THE ONLINE “PLAY BELMONT” FACEBOOK GAME**
For entry into the minutes, on September 26, 2011, the New York State Racing and Wagering Board approved the September 20, 2011 New York Racing Association request to offer the Play Belmont Facebook Game partnered with Equibase from Saturday, October 1, 2011 through Sunday, October 30, 2011.
40. **NYRA – IMPORT OF VARIOUS LOCATIONS IN 2011**
For entry into the minutes, on September 1, 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. Fairplex Park, California from September 9 through September 26, 2011.
 2. Kentucky Downs, Kentucky from September 10 through September 19, 2011.
 3. Canterbury Park, Minnesota from September 8 through September 11, 2011.

41. For entry into the minutes, on September 9, 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. Turfway Park, Kentucky through October 2, 2011.
 2. Zia Park, New Mexico from September 10 through December 4, 2011.

42. For entry into the minutes, on September 26, 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. Keeneland Association, Kentucky from October 7 through October 29, 2011.
 2. Santa Anita Park, California from September 30 through November 6, 2011.
 3. Turf Paradise, Arizona from October 1 through December 31, 2011.

43. **NYRA – EXPORT TO VARIOUS LOCATIONS IN 2011**
For entry into the minutes, on September 12, 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 Choctaw Resort Casino, a secondary site associated with the previously approved simulcasts to Remington Park.

44. **SARATOGA HARNESS – REQUEST TO CONDUCT A “REFER-A-PLAYER PAYBACK” PROMOTION FOR THE REMAINDER OF 2011**
For entry into the minutes, on September 1, 2011, the New York State Racing and Wagering Board approved the August 25, 2011 Saratoga Casino and Raceway request to conduct the “\$50 Refer-A-Player Payback” promotion for the remainder of calendar year 2011.

45. **SARATOGA HARNESS – REQUEST TO CHANGE POST TIME ON SATURDAY, OCTOBER 1, 2011**
For entry into the minutes, on September 7, 2011, the New York State Racing and Wagering Board approved the September 1, 2011 Saratoga Casino and Raceway request to change their post time from 7:05 p.m. to 7:20 p.m. on Saturday, October 1, 2011.

46. **SARATOGA HARNESS – REQUEST TO CONDUCT THE SIRE STAKES “NIGHT OF CHAMPIONS 2011” PROMOTION**
For entry into the minutes, on September 20, 2011, the New York State Racing and Wagering Board approved the September 13, 2011 Saratoga Casino and Raceway request to conduct the free Compubet “Sire Stakes” Night of Champions promotion on Saturday, October 1, 2011 in conjunction with the New York State Sire Stakes races.

47. **SARATOGA HARNESS – REQUEST TO OFFER VARIOUS WAGERING FORMAT CHANGES ON OCTOBER 1, 2011**
For entry into the minutes, on September 20, 2011, the New York State Racing and Wagering Board approved the September 19, 2011 Saratoga Casino and Raceway request to make the following wagering format changes on Saturday, October 1, 2011:
- Add Pick 4's in races 3,4,5,6(Sire Stakes Races);
 - Eliminate the Pick 3 in races 3,4,5;
 - Move the Late Double from races 12 and 13 to races 13 and 14.
48. **SARATOGA HARNESS – REQUEST TO HOLD FOURTEEN RACES ON OCTOBER 1, 2011**
For entry into the minutes, on September 20, 2011, the New York State Racing and Wagering Board approved the Saratoga Casino and Raceway request by letter dated September 20, 2011, for permission to hold fourteen races on Saturday, October 1, 2011.
49. **SARATOGA HARNESS – REQUEST TO CONDUCT SEVERAL “BREEDERS’ CUP 2011” PROMOTIONS**
For entry into the minutes, on September 23, 2011, the New York State Racing and Wagering Board approved the August 25, 2011 Saratoga Casino and Raceway request to conduct various Breeders Cup Promotions on Friday, November 4, 2011 and Saturday, November 5, 2011.
50. **SARATOGA HARNESS – IMPORT OF VARIOUS LOCATIONS IN 2011**
For entry into the minutes, on September 1, 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 Fairplex Park (Monarch Content Management), California from September 9 through September 26, 2011.
51. For entry into the minutes, on September 7, 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. Fair Grounds Race Course, Louisiana from September 7 through September 24, 2011.
 2. Kentucky Downs, Kentucky from September 10 through September 19, 2011.
52. For entry into the minutes, on September 7, 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 Turfway Park, Kentucky from September 8 through October 2, 2011.

53. For entry into the minutes, on September 8, 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 Zia Park, New Mexico from September 10 through December 4, 2011.
54. For entry into the minutes, on September 20, 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. Colonial Downs, Virginia through November 5, 2011.
 2. Pompano Park, Florida from September 21 through December 31, 2011.
55. For entry into the minutes, on September 26, 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. Calder Race Course, Florida from October 1 through December 2, 2011.
 2. Keeneland Association, Kentucky from October 7 through October 29, 2011.
 3. Santa Anita Park, California from September 30 through November 6, 2011.
56. For entry into the minutes, on September 26, 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 Turf Paradise, Arizona from October 1 through December 31, 2011.
57. **SARATOGA HARNESS – EXPORT TO VARIOUS LOCATIONS IN 2011**
For entry into the minutes, on September 26, 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 www.Betzotic.com, a secondary site associated with the previously approved simulcasts to Balmoral and Maywood Park.
58. **SUFFOLK REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2011**
For entry into the minutes, on September 1, 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 Freehold Raceway, New Jersey from September 1 through September 30, 2011.

Approval was also provided for this simulcast through December 17, 2011 conditioned upon:

1. Issuance of consent by the Standardbred Breeders & Owners Association of New Jersey, Inc. for the simulcasting for the relevant period; and

2. Filing of the Standardbred Breeders & Owners Association of New Jersey, Inc. consent with the Board prior to the start of the relevant period.
59. For entry into the minutes, on September 1, 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 Retama Park, Texas through October 15, 2011.
 60. For entry into the minutes, on September 1, 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 Fairplex Park, California from September 9 through September 26, 2011.
 61. For entry into the minutes, on September 1, 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 Laurel Park, Maryland from September 6 through December 31, 2011.
 62. For entry into the minutes, on September 1, 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 Fair Grounds Race Course, Louisiana from September 7 through September 24, 2011.
 63. For entry into the minutes, on September 26, 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:
 1. Keeneland Association, Kentucky from October 7 through October 29, 2011.
 2. Calder Race Course, Florida from October 1 through December 2, 2011.
 64. **TIOGA DOWNS – REQUEST TO MOVE POST TIME IN CASE OF CANCELLATION**
 For entry into the minutes, on August 26, 2011, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated August 26, 2011 for permission to amend their request dated August 25, 2011 and change the post time if necessary to 6:00 p.m. instead of 1:30 p.m. on Monday, August 29, 2011.
 65. **TIOGA DOWNS – REQUEST TO HOLD AS MANY RACES AS NEEDED ON THURSDAY, SEPTEMBER 8TH TO ACCOMMODATE THE STAKES RACES**
 For entry into the minutes, on September 1, 2011, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated August 29, 2011, for permission to hold additional races on Thursday, September 8, 2011. The total number of races was limited to fifteen.

66. **TIOGA DOWNS – REQUEST TO CLOSE SIMULCASTING EARLY ON SEPTEMBER 7, 2011**
For entry into the minutes, on September 7, 2011, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated September 7, 2011, for permission to close simulcasting early on Wednesday, September 7, 2011.
67. **TIOGA DOWNS – REQUEST TO CANCEL LIVE RACING AND SIMULCASTING ON SEPTEMBER 8, 2011**
For entry into the minutes, on September 8, 2011, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated September 8, 2011, for permission to cancel live racing and simulcasting on Thursday, September 8, 2011.
68. **TIOGA DOWNS – REQUEST TO CANCEL LIVE RACING AND SIMULCASTING ON SEPTEMBER 9, 2011 AND SEPTEMBER 10, 2011**
For entry into the minutes, on September 8, 2011, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated September 8, 2011 for permission to cancel live racing and simulcasting on Friday, September 9, 2011 and Saturday, September 10, 2011 and to move the Cane Pace and Shady Daisy Stakes to Pocono Downs.
69. **TIOGA DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2011**
For entry into the minutes, on September 20, 2011, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation to authorize the simulcast for wagering purposes of races from:
1. Keeneland Association, Kentucky from October 7 through October 29, 2011.
 2. Santa Anita Park, California from September 30 through November 6, 2011.
70. For entry into the minutes, on September 20, 2011, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation to authorize the simulcast for wagering purposes of races from Pompano Park, Florida from September 21 through December 31, 2011.
71. **TIOGA DOWNS – EXPORT TO VARIOUS LOCATIONS IN 2011**
For entry into the minutes, on September 7, 2011, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to Cal Expo, California through September 10, 2011.
72. **VERNON DOWNS – REQUEST TO HOLD AS MANY RACES AS NEEDED ON FRIDAY, SEPTEMBER 2ND TO ACCOMMODATE THE STAKES RACES**
For entry into the minutes, on September 1, 2011, the New York State Racing and Wagering Board approved the Vernon Downs request by letter dated August 29, 2011, for permission to hold additional races on Friday, September 2, 2011. The total number of races was limited to fifteen.

73. **VERNON DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2011**
For entry into the minutes, on September 20, 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:
1. Keeneland Association, Kentucky from October 7 through October 29, 2011.
 2. Santa Anita Park, California from September 30 through November 6, 2011.
74. For entry into the minutes, on September 20, 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 Pompano Park, Florida from September 21 through December 31, 2011.
75. **WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO CONDUCT THE “OTB FALL HANDICAPPING CONTEST”**
For entry into the minutes, on September 7, 2011, the New York State Racing and Wagering Board approved the September 1, 2011 application by the Western Regional Off-Track Betting Corporation and Batavia Downs to conduct the “OTB Fall Handicapping Contest” beginning Wednesday, September 21, 2011 through October 26, 2011 with the finals to be conducted on Friday, November 4, 2011 at Batavia Downs.
76. **WESTERN REGIONAL OTB/BATAVIA DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2011**
For entry into the minutes, on September 1, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Western, Capital, Catskill and Nassau Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from Fair Grounds Race Course, Louisiana from September 7 through September 24, 2011.
77. For entry into the minutes, on September 15, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Western, Catskill, Capital, Nassau and Suffolk Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from Colonial Downs, Virginia from September 17 through November 5, 2011.
78. **YONKERS RACEWAY – REQUEST TO CONDUCT THE NORTH AMERICAN AMATEUR DRIVERS ASSOCIATION SERIES IN CONJUNCTION WITH MONTICELLO RACEWAY**
For entry into the minutes, on September 1, 2011, the New York State Racing and Wagering Board approved the Yonkers Raceway request by letter dated August 29, 2011, for permission to conduct North American Amateur Drivers Association Series races on Thursday, October 13, 2011, Thursday, October 27, 2011, and the final of the series to be held Thursday, November 10, 2011.

79. **YONKERS RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on September 8, 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 Laurel Park, Maryland through December 31, 2011.

80. For entry into the minutes, on September 8, 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:

1. Turfway Park, Kentucky from September 8 through October 2, 2011.
2. Kentucky Downs, Kentucky from September 10 through September 19, 2011.

81. For entry into the minutes, on September 12, 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 The Red Mile, Kentucky through October 9, 2011.

82. For entry into the minutes, on September 19, 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 the Delaware County Fair, Ohio on September 21, 2011 and September 22, 2011.

83. For entry into the minutes, on September 26, 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 Pompano Park, Florida through December 31, 2011.

84. On September 28, 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:

1. Keeneland Association, Kentucky from October 7 through October 29, 2011.
2. Santa Anita Park, California from September 30 through November 6, 2011.

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

1. **BUFFALO RACEWAY – REQUEST FOR APPROVAL OF PEACE OFFICERS**

For entry into the minutes, on September 2, 2011, pursuant to Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board granted the Buffalo Trotting Association, Inc. request for approval to appoint two individuals to serve as special policemen within and around the grounds of Buffalo Raceway. The two individuals are Charles J. Klaes and Rosalie A. Gil. These special policemen may exercise the powers of peace officers as authorized by and in accordance with Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law and Section 2.20 of the Criminal Procedure Law.

2. **FINGER LAKES RACETRACK – REQUEST FOR APPROVAL OF PLATINUM GRILLE EXPANSION**

For entry into the minutes, on September 7, 2011, pursuant to Section 246 of the New York State Racing and Wagering, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board approved the request from Finger Lakes Racing Association Inc. for a permit to expand the size of their current Platinum Grill quick service restaurant located in the Video Lottery Terminal area.

3. **REGIONAL OFF-TRACK BETTING CORPORATIONS - REQUEST FOR EXTENSION OF TIME TO PAY 2010 MAINTENANCE OF EFFORT OBLIGATIONS**

For entry into the minutes, on September 20, 2011, the New York State Racing and Wagering Board approved the September 19, 2011 request by Capital District Regional Off-Track Betting Corporation, on behalf of all operating New York regional off-track betting corporations, for a thirty (30) day extension of the payment date for year 2010 obligations to regional tracks. Payments be made no later than October 30, 2011.

4. **NYRA – REQUEST APPROVAL OF NEW RACING OFFICIAL – LASIX VETERINARIAN – WENDY BUHRMASTER**

For entry into the minutes, pursuant to Board Rule 4005.1, on September 30, 2011, the New York State Racing and Wagering Board approved the request of the New York Racing Association to employ Dr. Wendy Buhrmaster as an examining veterinarian for the remainder of the 2011 racing season conditioned on the satisfactory completion of her suitability review.

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

1. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO MODIFY PLAYER REWARDS PROGRAM TO ALLOW THE ADDITION OF YEAR END BONUS REWARDS**

The New York State Racing and Wagering Board (Board) approved Capital District Regional OTB's request to amend its Capital OTB Cash Rewards Program to offer year end bonuses as specified in its August 29, 2011 application. Board approval is required before Capital OTB may terminate the program.

2. **CONSENSUS RULEMAKING – AMENDMENT TO THOROUGHBRED RIDING CROP RULE**

The New York State Racing and Wagering Board approved the proposed consensus rulemaking to amend Section 4035.9 of the Board's thoroughbred racing rules to correct an erroneous reference to the permissible diameter of the riding crop to correctly read three-eighths of an inch.

3. **CONSENSUS RULEMAKING – AMENDMENT TO THOROUGHBRED TRIFECTA RULE**
The New York State Racing and Wagering Board approved the proposed consensus rulemaking to amend Section 4011.22(i) of the Board’s thoroughbred racing rules to provide for trifecta wagering in races with a minimum field of five betting entries.
4. **WESTERN REGIONAL OTB – NEW EZ-BET – THE CANDLELIGHT RESTAURANT & LOUNGE, LLC – PARISH**
The New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation simulcast plan of operation to authorize the operation of an EZ Bet simulcast facility located in The Candlelight Restaurant & Lounge, LLC, 380 South Railroad Street, Parish, NY.
5. **CAPITAL DISTRICT REGIONAL OTB – NEW BRANCH LOCATION AND CLOSURE OF BRANCH LOCATION – BRIDGEPORT (MADISON COUNTY)**
The New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting simulcast plan of operation to authorize the operation of a new branch location at 551 Route 31, Bridgeport, New York. This location will replace the branch location at 585 Route 31, Bridgeport, New York.
6. **BOARD DIRECTIVE – NUMBER OF BETTING ENTRIES IN THOROUGHBRED SUPERFECTAS**
The New York State Racing and Wagering Board approved the issuance of a directive concerning the required minimum number of betting interests for the conduct of superfecta wagering in thoroughbred races. The Board reduced the minimum number of betting interests required for the conduct of superfecta wagering from seven (7) programmed betting interests (with the ability to conduct the wager with six (6) in the event of a late scratch after the horses have left the paddock) to a required minimum of a straight six (6) required betting interests to be carded and started.
7. **CATSKILL REGIONAL OTB – REQUEST TO AMEND INTERNET ACCOUNT WAGERING PLAN OF OPERATION TO OFFER “SMARTBET” MOBILE APPLICATION**
The New York State Racing and Wagering Board (Board) approved Catskill Regional OTB’s request to implement the SmartBet mobile wagering product as provided for in its September 16, 2011 letter and subsequent correspondence with Board staff. All prior approvals and conditions regarding Catskill Regional OTB’s account wagering plan of operation, video streaming and race replays remain in effect.
8. **NASSAU REGIONAL OTB – REQUEST TO AMEND INTERNET ACCOUNT WAGERING PLAN OF OPERATION TO OFFER “SMARTBET” MOBILE APPLICATION**
The New York State Racing and Wagering Board (Board) approved Nassau Regional OTB’s request to implement the SmartBet mobile wagering product as provided for

in its September 22, 2011 letter and subsequent correspondence with Board staff. All prior approvals and conditions regarding Nassau Regional OTB's account wagering plan of operation, video streaming and race replays remain in effect.

9. **IN THE MATTER OF RICHARD E. DUTROW, JR.**

The New York State Racing and Wagering Board adopted Hearing Officer Parente's findings of fact and conclusions of law except that the Board expressly found and concluded that Richard E. Dutrow, Jr. violated the statutes and rules as charged and imposed the following disciplinary action:

- License revocation effective October 18, 2011
- Ineligibility to reapply for any license issued by the Board for ten (10) years
- Exclusion from the premises of any New York State race track effective October 18, 2011
- A fine of twenty-five thousand dollars (\$25,000) based upon the violations of 9 NYCRR §§4012.1(a)(1) and 4012.1(c) on November 3, 2010 at Aqueduct Racetrack
- A fine of twenty-five thousand dollars (\$25,000) based upon the violation of 9 NYCRR §§4043.2(g)(4) and 4043.4 on November 20, 2010 at Aqueduct Racetrack.

10. **IN THE MATTER OF BRIAN A. O'NEILL**

The New York State Racing and Wagering Board deferred action on this matter.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for August 1, 2011 through August 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 August 31, 2011 since January 1, 2011 were as follows: total receipts 12,533 and total licenses 10,383 for the year 2011.

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

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between August 1, 2011 and August 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 August 17, 2011 through September 19, 2011.

5. **2011 LICENSED SUPPLIERS**

List of licensed suppliers - manufacturers' and distributors' licenses issued for the time period of August 1, 2011 through August 31 2011.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

The meeting adjourned at 1:37 p.m.