



**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF FEBRUARY 26, 2009**

**A meeting of the New York State Racing and Wagering Board was held on Monday, February 26, 2009 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 11:00 a.m.**

**In Attendance Were:**

John D. Sabini, Chairman  
Daniel D. Hogan, Member  
John B. Simoni, Member  
Ronald G. Ochrym, Executive Director  
Robert Feuerstein, General Counsel  
Joseph Lynch, Director of Racing Operations  
Thomas Casaregola, Director of Audits & Investigations  
Gail Pronti, Secretary to the Board

**Also in Attendance Were:**

Joseph Mahoney, NYSR&WB  
Kristen Buckley, NYSR&WB  
Vivian Davis, NYSR&WB  
Robert Hemsworth, Capital OTB  
Jim Crane, Crane, Greene & Parente

**OPEN COMMENT PERIOD:**

No comments were made.

**A.** The Board approved the minutes of the Board meeting held on January 26, 2009.

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

**1. BATAVIA DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**

For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Batavia Downs request to simulcast its harness racing programs for wagering purposes during the year 2009 to Day at The Track, California.

2. For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Batavia Downs request to simulcast its harness racing programs for wagering purposes during the year 2009 to:

1. Buffalo Trotting Association, New York
2. Monticello Raceway Management, Inc., New York
3. Saratoga Raceway, New York
4. Tioga Downs, New York
5. Vernon Downs, New York
6. Yonkers Raceway, New York
7. Finger Lakes Racing Association Inc., New York.

3. For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Batavia Downs request to simulcast its harness racing programs for wagering purposes during the year 2009 to:

1. Northville Racing Corporation, Michigan
2. Ocean Downs, Maryland
3. Plainridge Racecourse, Massachusetts
4. The Downs Racing, Inc. (Pocono Downs), Pennsylvania
5. The Red Mile, Kentucky
6. Rockingham Park, New Hampshire
7. My Way Holdings, LLC d/b/a Sunland Park, New Mexico.

4. For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Batavia Downs request to simulcast its harness racing programs for wagering purposes during the year 2009 to:

1. Colonial Downs, Virginia
2. Freehold Raceway, New Jersey
3. Lewiston Raceways, Inc. (Harrington Raceway), Maine
4. Hazel Park, Michigan
5. The Meadows, Pennsylvania
6. Northfield Park, Ohio.

5. **BUFFALO RACEWAY - REQUEST TO CONDUCT HARNESS HORSE HANDICAPPING CONTEST**  
For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved the February 5, 2009 Buffalo Trotting Association, Inc. request to conduct a harness handicapping contest with four qualifiers on March 7, 14, 21 and 28, 2009, and a final on April 4, 2009.
6. **BUFFALO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 12, 2009, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its harness racing programs for wagering purposes through July 26, 2009 to Nassau Regional Off-Track Betting Corporation.
7. For entry into the minutes, on January 15, 2009, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its harness racing programs for wagering purposes through July 26, 2009 to:
  1. Freehold Raceway (with one [1] secondary site), New Jersey
  2. Hawthorne Race Course (with thirty four [34] secondary sites), Illinois
  3. Indiana Downs with two [2] secondary sites),(Indiana
  4. Lewiston Raceways, Inc.(with four [4] secondary sites), Maine
  5. NJSEA (Meadowlands/Monmouth), New Jersey
  6. Northfield Park, Ohio.
8. For entry into the minutes, on January 15, 2009, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its harness racing programs for wagering purposes through July 26, 2009 to:
  1. Western Regional Off-Track Betting Corporation/Batavia Downs, New York
  2. Tioga Downs, New York
  3. Vernon Downs, New York.
9. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its harness racing programs for wagering purposes through July 26, 2009 to:
  1. Lien Games Racing, LLC, North Dakota
  2. Premier Turf Club, North Dakota
  3. Youbet.com, Inc., California.
10. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its harness racing programs for wagering purposes through July 26, 2009 to:

1. Philadelphia Park, Pennsylvania
  2. The Red Mile, Kentucky
  3. Scioto Downs, Presque Isle Downs, Running Aces Harness Park
  4. Track Net Media Group (with seven [7] guest entities and all secondary sites listed except Hipodromoenlinea.com and myracebet.com.), Kentucky
  5. Wheeling Downs, West Virginia.
11. For entry into the minutes, on January 23, 2009, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its harness racing programs for wagering purposes through July 26, 2009 to Plainridge Race Course, Massachusetts.
  12. For entry into the minutes, on January 23, 2009, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its harness racing programs for wagering purposes through July 26, 2009 to Hazel Park, Michigan.
  13. For entry into the minutes, on February 6, 2009, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its harness racing programs for wagering purposes through July 26, 2009 to Racing & Gaming Services (RGS), St. Kitts.
  14. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its harness racing programs for wagering purposes through July 26, 2009 to:
    1. Canterbury Park, Minnesota
    2. Delaware Racing Association, Delaware
    3. Ocean Downs LLC, Maryland.
  15. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its harness racing programs for wagering purposes through July 26, 2009 to Yonkers Raceway, New York.
  16. **CAPITAL REGIONAL OTB – REQUEST TO OFFER PICK SIX CARRYOVER PROMOTIONS OVER \$100,000**  
 For entry into the minutes, on January 16, 2009, the NYS Racing and Wagering Board approved an application by the Capital District Regional Off-Tracking Betting Corporation to conduct pick-six promotions during all of 2009 provided that the Pick-Six has more than \$100,000 available that day.
  17. **CAPITAL REGIONAL OTB – REQUEST FOR FEBRUARY 2009 PROMOTIONS**  
 For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct promotions during the month of February, 2009 as specified in the application dated January 27, 2009.

18. **CAPITAL DISTRICT REGIONAL OTB – REQUEST ROAD TO THE DERBY PROMOTION AT THE ALBANY TELETHEATER & HANDICAPPING SEMINAR AT THE ALBANY TELETHEATER**  
For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved the February 11, 2009 application by the Capital District Regional Off-Track Betting Corporation to conduct the promotions specified.
19. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER A FREE TWO-DOLLAR BETTING VOUCHER COUPON IN THE TIMES UNION “SAVING SOURCE”**  
For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation application to conduct the promotions specified in the February 16, 2009 application to the Board, including the offer of a free two-dollar betting voucher coupon in the Time Union “Savings Source” magazine on Wednesday, March 25, 2009.
20. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 16, 2009, 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 Mountaineer Park, West Virginia through December 29, 2009.
21. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional OTB Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
  1. Louisiana Downs, Louisiana through March 17, 2009
  2. Gulfstream Park, Florida through April 19, 2009
  3. Charles Town Races, West Virginia through January 31, 2009
  4. NJSEA (Meadowlands), New Jersey through December 31, 2009
  5. Wyvern International, LTD, Australia during 2009.
22. **CATSKILL REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 12, 2009, the New York State Racing and Wagering Board approved amendments to the Catskill OTB Corporation, Western OTB and Capital OTB simulcast plans of operation authorizing the simulcast for wagering purposes of races from Louisiana Downs, Louisiana through March 17, 2009.
23. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 15, 2009, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Oaklawn Park, Arkansas through April 11, 2009.

24. For entry into the minutes, on January 23, 2009, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Mountaineer Park, Inc., West Virginia through December 29, 2009.
25. For entry into the minutes, on February 12, 2009, 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 Saratoga Harness Racing Inc., New York through December 31, 2009.
26. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Charles Town Races, West Virginia through February 28, 2009.
27. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association simulcast plan of operation authorizing participation in the one Kentucky Oaks and the three Kentucky Derby future pools on the year 2009 Kentucky Oaks to be run on May 1, and the Kentucky Derby to be to be run on May 2, 2009 at Churchill Downs, Kentucky.
28. **MONTICELLO RACEWAY – REQUEST TO OFFER RACING NEWSLETTER COUPON PROMOTION FOR MARCH/APRIL 2009**  
For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Monticello Gaming and Raceway request to conduct the Racing Newsletter promotion for March/April, 2009 as described in the application dated January 16, 2009.
29. **MONTICELLO RACEWAY – REQUEST TO OFFER DRAWING FROM DRUM FOR MARCH/APRIL OF 2009**  
For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Monticello Gaming and Raceway request to conduct the drawing from a drum racing promotion as described in the application dated January 16, 2009.
30. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 15, 2009, 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 Buffalo Trotting Association, Inc., New York through July 26, 2009.
31. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Laurel Park, Maryland through April 11, 2009
  2. Oaklawn Park, Arkansas through April 11, 2009.
32. For entry into the minutes, on February 3, 2009, 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 FR Park Racing (Freehold Raceway), New Jersey through February 28, 2009.
33. For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from the following tracks through December 31, 2009:
1. Georgian Downs Limited, Ontario, Canada
  2. Rideau Carleton Raceway, Ontario, Canada.
34. For entry into the minutes, on February 4, 2009, 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 through April 25, 2009.
35. For entry into the minutes, on February 12, 2009, 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 Saratoga Harness Racing Inc., New York through December 31, 2009.
36. **MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 12, 2009, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its harness racing programs for wagering purposes during the year 2009 to two [2] additional secondary sites, namely Paragon Casino Resort Racebook, Louisiana and Millenium Racing, St. Thomas, US Virgin Islands, associated with the previously approved simulcasts to Connecticut OTB, Connecticut.
37. For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its harness racing programs for wagering purposes during the year 2009 to the following three [3] additional secondary sites associated with the previously approved simulcasts to US Off-Track, LLC, Oregon:
1. [www.paydog.com](http://www.paydog.com)
  2. [www.greyhoundchannel.com](http://www.greyhoundchannel.com)
  3. [www.propickracing.com](http://www.propickracing.com).

38. For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its harness racing programs for wagering purposes through December 31, 2009 to Evergreen Park, Alberta, Canada.
39. For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its harness racing programs for wagering purposes during the year 2009 to Northville Downs, Michigan.
40. For entry into the minutes, on February 4, 2009, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its harness racing programs for wagering purposes to Presque Isle Downs & Casino, Pennsylvania through December 31, 2009.
41. For entry into the minutes, on February 6, 2009, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its harness racing programs for wagering purposes during the year 2009 to Racing & Gaming Services, St. Kitts,
42. **NASSAU REGIONAL OTB – FREE BETTING VOUCHERS PROMOTION PRIOR TO HICKSVILLE BRANCH CLOSING**  
For entry into the minutes, on January 16, 2009, the NYS Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request to conduct the Hicksville branch closing promotion as specified in the application dated January 13, 2009.
43. **NASSAU REGIONAL OTB – CLOSURE OF HICKSVILLE BRANCH**  
For entry into the minutes, on January 16, 2009, the NYS Racing and Wagering Board approved an amendment to the Nassau Regional Off-Track Betting Corporation plan of operation to reflect the January 25, 2009 closure of the branch in Hicksville, NY.
44. **NASSAU REGIONAL OTB – REQUEST TO OFFER THE “JOHN CONTE” HANDICAPPING TOUR**  
For entry into the minutes, on February 3, 2009, the NYS Racing and Wagering Board approved the request of Nassau Regional Off-Track Betting Corporation to conduct promotions on February 16 and 28, March 14, April 11, 25 and 30, 2009 at various Nassau OTB branches as specified in the February 2, 2009 application to the Board.
45. **NASSAU REGIONAL OTB – REQUEST TO OFFER HANDICAPPING CONTEST AT FRANKLIN SQUARE BRANCH**  
For entry into the minutes, on February 3, 2009, the NYS Racing and Wagering Board approved the request of the Nassau Regional Off-Track Betting Corporation to conduct a handicapping contest on Friday, February 13, 2009 at the Franklin Square branch in accordance with the terms of the application to the Board dated January 21, 2009.



46. **NASSAU REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of Nassau Regional Off-Track Betting Corporation, Capital District Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation, Suffolk Regional Off-Track Betting Corporation and Western Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Retama Park, Texas through February 28, 2009.
47. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of the Nassau Regional Off-Track Betting Corporation and the Suffolk Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Mountaineer Park Casino Racetrack, West Virginia through December 31, 2009.
48. **NEW YORK CITY OTB– REQUEST TO OFFER PROMOTION WITH FAIRGROUNDS RACETRACK ON SUNDAY, JANUARY 25, 2009**  
For entry into the minutes, on January 23, 2009, the New York State Racing and Wagering Board approved the New York City Off-Track Betting Corporation request to conduct a joint promotion on Sunday, January 25, 2009 at The Winners Circle and the Inside Track as specified in the application dated January 16, 2009.
49. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 12, 2009, the New York State Racing and Wagering Board approved an amendment to the New York City OTB Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Beulah Park, Ohio through May 2, 2009.
50. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Penn National Race Course, Pennsylvania through December 31, 2009.
51. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Laurel Park, Maryland through April 11, 2009.
52. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Turfway Park (Winter-Spring Race Meeting), Kentucky through April 2, 2009.

53. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of New York City Off-Track Betting Corporation, Capital District Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation and Western Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Harrah's Louisiana Downs (Quarter Horse Meet), Louisiana through March 17, 2009.
54. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Philadelphia Park, Pennsylvania through December 31, 2009.
55. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Oaklawn Park, Arkansas through April 11, 2009.
56. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Charles Town Races, West Virginia through February 28, 2009.
57. **NYRA – REQUEST FOR APPROVAL TO OFFER A \$400,000 GUARANTEED ALL-STAR PICK-4 WAGERING POOL ON APRIL 4, 2009**  
For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved the New York Racing Association request to offer a guaranteed \$400,000 All-Stakes Pick-Four wagering pool on Saturday, April 4, 2009.
58. **NYRA - REQUEST FOR PICK FOUR WAGERING POOLS ON RACES SIX THROUGH NINE FOR THE MONTHS OF FEBRUARY AND MARCH 2009**  
For entry into the minutes, on February 5, 2009, the New York State Racing and Wagering Board approved the New York Racing Association request to offer a \$250,000 Pick Four wagering pool (races 6 through 9) on each Saturday during February and March 2009.
59. **NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 15, 2009, 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 Oaklawn Park, Arkansas through April 11, 2009.
60. For entry into the minutes, on January 23, 2009, 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 Mountaineer Park, Inc., West Virginia through December 29, 2009.

61. For entry into the minutes, on January 23, 2009, 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 Charles Town Races, West Virginia through February 28, 2009.
62. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing participation in the one Kentucky Oaks and the three Kentucky Derby future pools on the year 2009 Kentucky Oaks to be run on May 1, and the Kentucky Derby to be to be run on May 2, 2009 at Churchill Downs, Kentucky.
63. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved the New York Racing Association’s request to simulcast its thoroughbred racing programs for wagering purposes to the Track Net Media Group, LLC (with twenty [20] guest entities and one hundred ninety four [194] secondary sites) during the year 2009.
64. For entry into the minutes, on January 26, 2009, the New York State Racing and Wagering Board approved The New York Racing Association’s request to simulcast its thoroughbred racing programs for wagering purposes to AmWest Entertainment, LLC, Oregon through December 31, 2009.
65. **SARATOGA GAMING & RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 12, 2009, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Yonkers Raceway, New York through December 31, 2009.
66. For entry into the minutes, on January 15, 2009, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Beulah Park, Ohio through May 2, 2009.
67. For entry into the minutes, on January 15, 2009, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
  1. Mountaineer Park, Inc., West Virginia through December 29, 2009
  2. Oaklawn Park, Arkansas through April 11, 2009.
68. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Pompano Park, Florida through June 30, 2009.

69. For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Charles Town Races, West Virginia through February 28, 2009.
70. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing participation in the one Kentucky Oaks and the three Kentucky Derby future pools on the year 2009 Kentucky Oaks to be run on May 1, and the Kentucky Derby to be to be run on May 2, 2009 at Churchill Downs, Kentucky.
71. **SUFFOLK REGIONAL OTB – MARCH 2009 HANDICAPPING CONTEST AT THE RACING FORUM**  
For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation’s January 7, 2009 request to conduct a handicapping contest at the Racing Forum located at 690 Motor Parkway in Hauppauge, N.Y. on Saturday, March 7, 2009.
72. **TIOGA DOWNS – REQUEST TO OFFER HANDICAPPING CONTEST ON FEBRUARY 21, 2009**  
For entry into the minutes, on February 3, 2009, the NYS Racing and Wagering Board approved the American Racing-Tioga Downs, Inc. request to conduct a handicapping contest on Saturday, February 21, 2009 in accordance with the rules submitted to the Board on January 27, 2009.
73. **TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 15, 2009, 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 Oaklawn Park, Arkansas through April 11, 2009.
74. For entry into the minutes, on January 16, 2009, 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 Penn National Race Course, Pennsylvania through December 31, 2009.
75. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing participation in the one Kentucky Oaks and the three Kentucky Derby future pools on the year 2009 Kentucky Oaks to be run on May 1, and the Kentucky Derby to be to be run on May 2, 2009 at Churchill Downs, Kentucky.
76. **VERNON DOWNS – REQUEST TO OFFER HANDICAPPING CONTEST ON FEBRUARY 7, 2009**  
For entry into the minutes, on February 3, 2009, the NYS Racing and Wagering Board approved the American Racing-Vernon Downs, Inc. request to conduct a handicapping contest on Saturday, February 7, 2009 in accordance with the rules submitted to the Board on January 27, 2009.

77. **VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 15, 2009, 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 Oaklawn Park, Arkansas through April 11, 2009.
78. For entry into the minutes, on January 16, 2009, 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 Penn National Race Course, Pennsylvania through December 31, 2009.
79. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing participation in the one Kentucky Oaks and the three Kentucky Derby future pools on the year 2009 Kentucky Oaks to be run on May 1, and the Kentucky Derby to be to be run on May 2, 2009 at Churchill Downs, Kentucky.
80. **WESTERN REGIONAL OTB – REQUEST TO OFFER “BATTLE OF THE BRANCHES” PROMOTION**  
For entry into the minutes, on January 16, 2009, the NYS Racing and Wagering Board approved the Western Regional OTB request to offer a “Battle of the Branches” tournament from February 4 through March 11, 2009 as specified in the January 14, 2009 application to the Board.
81. **WESTERN REGIONAL OTB – REQUEST TO OFFER “NATIONAL HARNESS HANDICAPPING CONTEST”**  
For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Western Regional OTB request to hold a National Harness Handicapping Contest at select branch locations from March 4 through March 28, 2009.
82. **WESTERN REGIONAL OTB – REQUEST TO OFFER “OTB’s VALENTINE SWEETHEART DEAL” PROMOTION**  
For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Western Regional OTB request to conduct an”OTB Valentine Sweethearts Deal” tournament for the period February 14 through February 20, 2009.
83. **WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 23, 2009, the New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation /Batavia Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Beulah Park, Ohio through May 2, 2009.

84. **YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 12, 2009, 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 Los Alamitos Quarter Horse Racing Association, California through December 20, 2009.
85. For entry into the minutes, on January 12, 2009, 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 Kawartha Downs, Ontario, Canada through December 19, 2009.
86. For entry into the minutes, on January 12, 2009, 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. Beulah Park, Ohio through May 2, 2009
  2. Maywood Park Trotting Association, Illinois through December 31, 2009
  3. Balmoral Racing Club, Inc., Illinois through December 30, 2009.
87. For entry into the minutes, on January 12, 2009, 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 Harrah's Louisiana Downs, Louisiana through March 17, 2009.
88. For entry into the minutes, on January 16, 2009, 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 Oaklawn Park, Arkansas through April 11, 2009.
89. For entry into the minutes, on January 23, 2009, 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. Rideau Carleton Raceway, Ontario, Canada through December 31, 2009
  2. Georgian Downs, Ontario, Canada through December 31, 2009.
90. For entry into the minutes, on February 3, 2009, 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 Mountaineer Park, West Virginia through December 29, 2009.
91. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for account wagering purposes only of the following races from Nad al Sheba Race Course: (1) the Dubai International Racing Carnival through March 5, 2009 and (2) the Dubai World Cup Day Dubai on March 28, 2009.

92. For entry into the minutes, on February 12, 2009, 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. Charles Town Races and Slots, West Virginia through February 28, 2009
  2. Northville Downs, Michigan through April 26, 2009.
93. For entry into the minutes, on February 12, 2009, 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 Saratoga Gaming and Raceway, New York through December 31, 2009.
94. **YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on January 12, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
1. Tioga Downs, New York
  2. Vernon Downs, New York.
95. For entry into the minutes, on January 12, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway’s request to simulcast its harness racing programs for wagering purposes to Prairie Meadows Racetrack, Iowa through December 31, 2009.
96. For entry into the minutes, on January 12, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway’s request to simulcast its harness racing programs for wagering purposes to Finger Lakes Racing Association, Inc., New York through December 31, 2009.
97. For entry into the minutes, on January 12, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
1. Balmoral Park, Illinois
  2. Maywood Park, Illinois.
98. For entry into the minutes, on January 15, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to Premier Turf Club, North Dakota.
99. For entry into the minutes, on January 15, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to Day at the Track, California.

100. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
  1. Mountaineer Park, West Virginia
  2. Presque Isle Downs.
  
101. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
  1. Beulah Park, Ohio
  2. Running Aces Racetrack, Minnesota
  3. Scioto Downs, Ohio.
  
102. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to Scarborough Downs, Maine through December 31, 2009.
  
103. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to Lien Games Racing, LLC, Minnesota.
  
104. For entry into the minutes, on January 16, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
  1. The Racing Network International (TRNI with ten [10] secondary sites), Pennsylvania
  2. The Racing Channel (with two [2] sites, [www.racingchannel.com](http://www.racingchannel.com) and [www.oneclickracing.com](http://www.oneclickracing.com) ), Pennsylvania.
  
105. For entry into the minutes, on January 23, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Rocky Mountain Turf Club, Inc.(with two [2] secondary sites), Alberta, Canada through December 22, 2009.
  
106. For entry into the minutes, on January 23, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to Youbet.com, California through December 31, 2009.
  
107. For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to Canterbury Park, Minnesota through December 31, 2009.



108. For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Evergreen Park, Alberta, Canada during the year 2009.
109. For entry into the minutes, on February 3, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to the following tracks through December 31, 2009:
  1. NJSEA (Meadowlands), New Jersey
  2. Northfield Park, Ohio.
110. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to Northfield Park, Ohio through December 31, 2009.
111. For entry into the minutes, on February 12, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes through December 31, 2009 to:
  1. Philadelphia Park, Pennsylvania
  2. Colonial Downs (with nine [9] secondary sites), Virginia
  3. Northville Downs, Michigan.

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

1. **NYRA – REQUEST FOR APPROVAL OF RACING OFFICIAL - WILLIAM NEMETI**  
 For entry into the minutes, on January 28, 2009, the New York State Racing and Wagering Board approved the New York Racing Association request to approve William Nemeti as a Racing Official for the remainder of 2009.
2. **NEW YORK CITY OTB – CHANGE OF OWNERSHIP - BLACKSTONE'S RESTAURANT, ASTORIA**  
 For entry into the minutes, on February 9, 2009, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation plan of operation to reflect the change in ownership of the restaurant facility called Blackstone's, located at 38-04 Broadway Astoria, New York.
3. **FINGER LAKES RACETRACK – REQUEST FOR APPROVAL OF EXTERIOR RENOVATIONS**  
 The New York State Racing and Wagering Board approved the request by Finger Lakes Racing Association Inc. for the Exterior Renovation project to Finger Lakes Gaming & Racetrack pursuant to Section 246 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

The construction/renovations approved are those described in the Finger Lakes Racing Association Inc. request letters of January 29, and February 10, 2009, and the New York State Office of General Services construction permit dated January 23, 2009.

4. **WESTERN OTB/BATAVIA DOWNS REQUEST FOR APPROVAL OF PEACE OFFICERS**

For entry into the minutes, on January 13, 2009, pursuant to Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board (“Board”) granted Western Regional Off-Track Betting Corporation’s request to approve the appointment of the individual listed below as a special policeman within and around the grounds of Batavia Downs who 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.

The individual approved is Dennis Dwyer.

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

1. **MONTICELLO RACEWAY – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board assigned to Monticello Raceway the race dates requested for the month of **March, 2009 only**.

2. **YONKERS RACEWAY – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board assigned to Yonkers Raceway the race dates requested for the month of **March, 2009 only**.

3. **FINGER LAKES RACETRACK – 2009 TRACK AND SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board assigned to Finger Lakes Racetrack the race dates requested for the months of **April and May, 2009 only**. The Board deferred the Finger Lakes Racetrack Track and Simulcast License Applications pending further review of matters involving the condition of the track.

4. **SUFFOLK REGIONAL OTB – NEW QWIK BET AT CHARLIE BROWN’S A-FRAME – HAMPTON BAY**

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 Hampton Bays, N.Y. at Fred & Jean, Inc. dba Charlie Brown’s A-Frame.

5. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO AMEND WINNERS’ CIRCLE CLUB MEMBERSHIP QUALIFYING PARAMETERS**

The New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation request to modify its Teletheater Winners’ Circle Club plan of operation as specified in its January 12, 2009 letter. All prior approvals and conditions remain in effect.

6. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO ALLOW CAPITAL BETS ACCOUNT HOLDERS TO WAGER USING SELF SERVICE TERMINALS**

The New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation request to allow Capital Bets account holders to wager through self service terminals. The request approved was as specified in Capital OTB’s November 26, 2008 letter and is conditioned on the following:

- Item 7 in the letter regarding the processing of wagers as branch handle is deemed deleted and disregarded;
- All handle processed through the accounts via SSTs shall be account wagering handle and distributed as the same;
- All previous conditions to the account wagering plan of operation remain in effect;
- All account wagering rules apply.

7. **FINGER LAKES RACETRACK – REQUEST TO WITHDRAW \$35,479.44 FROM CIF**

The New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to withdraw a total of \$35,479.44 from the Capital Improvement Fund for reimbursement of the following expenditures:

**Advertising and Promotional Expenditures**

Print Advertising	\$ 11,940.14
Direct Mail Advertising & Promotions	2,433.21
Racing Promotional Events	21,106.09
<b>Total Approved</b>	<b><u>\$ 35,479.44</u></b>

8. **SARATOGA HARNESS - REQUEST TO WITHDRAW \$30,335.17 FROM CIF**

The New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to withdraw a total of \$30,335.17 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

New Tote Board	\$ 30,335.17
(Unapplied balance from 08/26/2008 request.)	
<b>Total Approved</b>	<b><u>\$ 30,335.17</u></b>

9. **SUFFOLK REGIONAL OTB – NEW QWIK BET – JANE ON MAIN, INC. (SHAGWONG TAVERN – MONTAUK)**  
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 Montauk, N.Y. at Jane On Main, Inc. dba Shagwong Tavern.
10. **NASSAU REGIONAL OTB – REQUEST TO AMEND ACCOUNT WAGERING PLAN OF OPERATION**  
The New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request to modify its Account Wagering Plan of Operation by allowing customers to make Automated Clearing House deposits to their accounts via the internet.
11. **IN THE MATTER OF ADAM GOETSCH**  
The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of harness groom Adam Goetsch be revoked based upon his failure to comply with the terms of his voluntary license surrender and the underlying substance abuse positive on July 19, 2008.
12. **IN THE MATTER OF JUAN BARCO**  
The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of thoroughbred groom Juan Barco be revoked based upon his failure to comply with the terms of his voluntary license surrender and the underlying substance abuse positive at Belmont Park on September 7, 2008.
13. **IN THE MATTER OF MIGUEL ALIAGA**  
The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of thoroughbred groom/stable employee Miguel Aliaga be revoked based upon his failure to comply with the terms of his voluntary license surrender and the underlying February 12, 2008 admission of substance abuse.
14. **IN THE MATTER OF ALEXANDER CRUZ**  
The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of thoroughbred groom/stable employee Alexander Cruz be revoked based upon his failure to comply with the terms of his voluntary license surrender and the underlying September 7, 2008 admission of substance abuse.
15. **IN THE MATTER OF MARK FORD**  
The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller Jr.'s recommendation that the violation related to the scratch of OUTBACK PAPEETE on August 19, 2008 at Yonkers Raceway, due to a failure to receive a furosemide administration be upheld, but modified the \$300 fine imposed to \$250.

16. **IN THE MATTER OF JAMES J. LACH**

The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the appeal from the disqualification and placement by the judges from first to fourth place of Y Z TWO-FIFTY for bearing out and causing interference during the eighth race on September 5, 2008 at Batavia Downs, be dismissed as a non-reviewable judgment call of the racing officials.

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

1. **INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for January 1, 2009 through January 31, 2009. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.

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

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between January 1, 2009 through January 31, 2009.

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

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from January 2, 2009 through February 9, 2009.

4. **LICENSING/CURRENT LICENSE COUNT**

The current racing licensing counts as of January 31, 2009 since January 1, 2009 were as follows: total receipts 1185 and total licenses 484 for the year 2009.

5. **2009 LICENSED SUPPLIERS**

List of licensed suppliers – manufacturers' and distributors' licenses issued for the time period of January 1, 2009 through January 31, 2009.

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

None.

**The meeting adjourned at 11:45 a.m.**