



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

A meeting of the New York State Racing and Wagering Board was held on Tuesday, March 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 11:28 a.m.

In Attendance Were:

John D. Sabini, Chairman
Daniel D. Hogan, 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
Bill Sekellick, Assistant Counsel
Rick Goodell, Assistant Counsel
Stacy Harvey, Assistant Counsel
Jim Crane, Crane, Greene & Parente
Chris Riegle, Finger Lakes Racetrack
Pat Placito, Finger Lakes Racetrack
Marvin Newberg, Monticello Raceway
Robert Hemsworth, Capital OTB
Richard Burstein, Nolan & Heller

Before the start of the meeting, Chairman Sabini read a brief statement regarding the pending deployment of Mark Stuart, Assistant Counsel to the Persian Gulf in support of Operation Iraqi Freedom.

OPEN COMMENT PERIOD:

Comments began: 11:07 a.m.

Marvin Newberg, attorney for Monticello Raceway addressed the Board and requested action against off-track betting corporations that owe Maintenance of Effort, Dark Day payments and out-of-state money to Monticello Raceway. He stated that nonpayment has caused hardship to both the track and horsemen.

Richard Burstein, attorney for Saratoga Gaming and Raceway, spoke about the Vernon Downs contract with Capital District Regional OTB in regard to in-home simulcasting. He stated that Saratoga Harness provided this contract in the past and requested that the Board deny the Capital OTB request dated March 20, 2009 to continue in-home simulcasting.

Mr. Burstein also asked the Board to take action concerning the Maintenance of Effort monies that Capital OTB owes Saratoga Gaming and Raceway.

Comments ended: 11:28 a.m.

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

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. BUFFALO RACEWAY – REQUEST TO RACE TWO ADDITIONAL DAYS IN 2009

For entry into the minutes, on March 5, 2009, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to conduct live harness pari-mutuel racing on Sunday, March 22 and Sunday, March 29, 2009 with a first post-time of 1:05 p.m.

2. BUFFALO RACEWAY – REQUEST TO IMPORT TO VARIOUS LOCATIONS IN 2009

For entry into the minutes, on February 20, 2009, the New York State Racing and Wagering Board approved an amendment to the Buffalo Raceway simulcast plan of operation authorizing participation in the one Kentucky Oaks and the second and third 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.

3. For entry into the minutes, on February 20, 2009, the New York State Racing and Wagering Board approved an amendment to the Buffalo Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Monticello Raceway, New York through December 31, 2009 and the New York Racing Association, New York through December 31, 2009.
4. For entry into the minutes, on February 20, 2009, the New York State Racing and Wagering Board approved an amendment to the Buffalo Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
 1. Dover Downs, Delaware through April 9, 2009.
 2. Freehold Park Racing, New Jersey through December 31, 2009.
 3. NJSEA (Meadowlands/Monmouth Park), New Jersey through December 31, 2009.
 4. Northfield Park, Ohio through June 30, 2009.
 5. Penn National, Pennsylvania through December 31, 2009.
 6. Philadelphia Park, Pennsylvania through December 31, 2009.
 7. Tampa Bay Downs, Florida through May 3, 2009.
 8. Turfway Park, Kentucky through April 2, 2009.
5. For entry into the minutes, on February 26, 2009, the New York State Racing and Wagering Board approved an amendment to the Buffalo Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Gulfstream Park, Florida through April 19, 2009, from Santa Anita, California through April 20, 2009, and from The Meadows, Pennsylvania through April 30, 2009.
6. For entry into the minutes, on March 5, 2009, the New York State Racing and Wagering Board approved an amendment to the Buffalo Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
 1. Saratoga Harness Racing, Inc., New York through December 31, 2009
 2. Yonkers Raceway, New York through December 31, 2009.
7. For entry into the minutes, on March 11, 2009, the New York State Racing and Wagering Board approved an amendment to the Buffalo Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
 1. Balmoral Racing Club, Inc., Illinois through December 30, 2009
 2. Hawthorne Race Course, Illinois through December 31, 2009
 3. Maywood Park Trotting Association, Inc., Illinois through December 31, 2009
 4. Mountaineer Park, Inc., West Virginia through December 29, 2009.
8. **BUFFALO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
 For entry into the minutes, on February 20, 2009, the New York State Racing and Wagering Board approved the Buffalo Raceway request to simulcast its thoroughbred racing programs for wagering purposes to Rosecroft Raceway, Maryland during the year 2009.

9. For entry into the minutes, on March 5, 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 Suffolk Downs (with two [2] secondary sites), Massachusetts.
10. **CAPITAL DISTRICT REGIONAL OTB – MARCH 2009 PROMOTIONS/EVENTS**
For entry into the minutes, on February 27, 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 March 2009 as specified in the February 24, 2009 application to the Board.
11. **CAPITAL DISTRICT REGIONAL OTB – TERMINATION OF CONCESSIONAIRE AGREEMENT AT BRIDGEPORT BRANCH**
For entry into the minutes, on March 10, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation plan of operation to reflect the termination of the concessionaire agreement at the Capital OTB branch located at 583 Route 31 in Bridgeport, N.Y. and the fact that this branch will no longer have a concessionaire.
12. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 11, 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 to reflect the extension through March 31, 2009 of the existing simulcast agreement between Saratoga Harness Racing, Inc. and the Capital District Regional Off-Track Betting Corporation.
13. For entry into the minutes, on March 11, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District OTB Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
 1. Harrington Raceway, Inc., Delaware from April 19, 2009 through October 29, 2009
 2. Indiana Downs (Thoroughbred Meet), Indiana from April 20, 2009 through July 15, 2009
 3. Will Rogers Downs, LLC, Oklahoma through May 23, 2009.
14. For entry into the minutes, on March 11, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from the specified South African and Racing UK British Racing races via auspices of Phumelela Gold International Ltd. (Racing UK), during the period from March 11 through December 31, 2009.

15. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**

For entry into the minutes, on March 4, 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 Nad al Sheba Race Course and in particular the Dubai International Racing Carnival and the Dubai World Cup Day (Track Net Media Group) through March 28, 2009.

16. For entry into the minutes, on March 4, 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 December 31, 2009.

17. For entry into the minutes, on March 10, 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 Hawthorne Race Course, Illinois through December 31, 2009.

18. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**

For entry into the minutes, on February 20, 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 Plainridge Racecourse, Massachusetts through November 28, 2009.

19. For entry into the minutes, on February 26, 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 March 31, 2009.

20. For entry into the minutes, on February 27, 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:

1. Tioga Downs, New York from May 2, 2009 through December 31, 2009
2. Vernon Downs, New York from April 7, 2009 through December 31, 2009.

21. For entry into the minutes, on February 27, 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 Hawthorne Race Course, Illinois through December 31, 2009.

22. For entry into the minutes, on March 10, 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 Indiana Downs (Thoroughbred Meet), Indiana from April 20, 2009 through July 15, 2009.

23. For entry into the minutes, on March 11, 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. Downs Racing, L.P. d/b/a Mohegan Sun at Pocono Downs, Pennsylvania from April 1, 2009 through November 21, 2009
 2. Keeneland Association (Spring Meet), Kentucky from April 3, 2009 through April 24, 2009
 3. Harrington Raceway, Inc., Delaware from April 19, 2009 through October 29, 2009.

24. **NASSAU REGIONAL OTB – REQUEST TO OFFER “SPRING FLING” HANDICAPPING CONTEST**

For entry into the minutes, on March 12, 2009, the NYS Racing and Wagering Board approved the March 3, 2009 Nassau Regional Off-Track Betting Corporation’s request to conduct the “Spring Fling” handicapping contest from April 1 through May 1, 2009.

25. **NEW YORK CITY OTB – FAN APPRECIATION DAYS PROMOTION – MONTICELLO RACEWAY**

For entry into the minutes, on February 27, 2009, the New York State Racing and Wagering Board approved the New York City OTB request dated February 23, 2009 to amend its plan of operation to conduct a Monticello Raceway Fan Appreciation Day promotion for the ten-day period from Monday, March 2 through Wednesday, March 11, 2009 on Monticello Raceway live racing days.

26. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**

For entry into the minutes, on February 20, 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 Mountaineer Park, West Virginia through December 31, 2009.

27. For entry into the minutes, on March 4, 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 the specified English races via auspices of Phumelela Gold International Ltd. (Racing UK), during the period from March 13 through June 6, 2009.

28. For entry into the minutes, on March 10, 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 Keeneland Association (Spring Meet), Kentucky from April 3, 2009 through April 24, 2009.

29. For entry into the minutes, on March 10, 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 Northfield Park, Ohio through June 30, 2009.
30. **NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on February 27, 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:
 1. Hawthorne Race Course, Illinois through December 31, 2009
 2. Charles Town Races, West Virginia through December 31, 2009.
31. For entry into the minutes, on March 5, 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 Indiana Downs (Thoroughbred Meet), Indiana from April 20, 2009, through July 15, 2009.
32. For entry into the minutes, on March 10, 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 Northwest Racing Associates LP d/b/a Emerald Downs, Washington from April 17, 2009 through September 27, 2009.
33. For entry into the minutes, on March 10, 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 South Africa and “Racing UK, British Racing” via auspices of Phumelela Gold International Ltd. (Racing UK) during the period from March 18, 2009 through December 31, 2009.
34. For entry into the minutes, on March 11, 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 Kentucky Derby Future Exacta Wagering for the second and third pools of the 2009 Derby Future Wagers on the Kentucky Derby to be run at Churchill Downs, Kentucky.
35. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on February 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 the following additional secondary site, Cantor G & W LP d/b/a Cantor Gaming, Nevada, associated with the previously approved simulcasts to Nevada Pari-Mutuel Association, Nevada during the year 2009.

36. **SARATOGA HARNESS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on February 26, 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 Plainridge Racecourse, Massachusetts through November 28, 2009.
37. For entry into the minutes, on February 27, 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 Hawthorne Race Course, Illinois through December 31, 2009.
38. For entry into the minutes, on March 4, 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 December 31, 2009.
39. For entry into the minutes, on March 4, 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 Freehold Raceway, New Jersey through March 31, 2009.
40. For entry into the minutes, on March 10, 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 Indiana Downs (Thoroughbred Meet), Indiana from April 20, 2009 through July 15, 2009.
41. For entry into the minutes, on March 10, 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 Harrington Raceway, Delaware from April 19, 2009 through October 29, 2009.
42. **SARATOGA HARNESS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on February 26, 2009, the New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to Attractions Hippiques (with sixteen [16] secondary sites), Quebec, Canada.
43. For entry into the minutes, on February 26, 2009, the New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
1. Hawthorne Racecourse, Illinois
 2. Rosecroft Raceway, Maryland.

44. For entry into the minutes, on February 26, 2009, the New York State Racing and Wagering Board approved Saratoga Gaming and Raceway's request to simulcast its harness racing programs for wagering purposes to U.S. Off-Track, LLC and the three (3) identified websites, Oregon.
45. For entry into the minutes, on February 26, 2009, the New York State Racing and Wagering Board approved Saratoga Gaming and Raceway's request to simulcast its harness racing programs to Las Vegas Dissemination Company for wagering purposes of Elite Turf Club, Curacao, Netherlands Antilles through December 31, 2009.
46. For entry into the minutes, on February 27, 2009, the New York State Racing and Board approved Saratoga Gaming and Raceway's request to simulcast its harness racing programs for wagering purposes to TrackNet Media Group, Kentucky through December 31, 2009.
47. For entry into the minutes, on February 27, 2009, the New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
 1. Day at The Track, California
 2. Premier Turf Club, North Dakota
 3. Youbet.com, Inc., Oregon.
48. For entry into the minutes, on February 27, 2009, the New York State Racing and Wagering Board approved Saratoga Gaming and Raceway's request to simulcast its harness racing programs for wagering purposes to Autotote Enterprise Inc. (Connecticut OTB), Connecticut through December 31, 2009.
49. For entry into the minutes, on February 27, 2009, the New York State Racing and Wagering Board approved Saratoga Gaming and Raceway's request to simulcast its harness racing programs for wagering purposes to TRNI, Europe through December 31, 2009.
50. For entry into the minutes, on February 27, 2009, the New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
 1. AmWest, South Dakota
 2. Chester Downs, Pennsylvania
 3. Colonial Downs, Virginia
 4. Delaware Park, Delaware
 5. Fair Meadows, Oklahoma
 6. Freehold Raceway, New Jersey
 7. Harrington Raceway, Delaware
 8. Hazel Park, Michigan.

51. For entry into the minutes, on February 27, 2009, the New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
 1. Northlands Park, Alberta, Canada
 2. Ocean Downs, Maryland
 3. Penn National Gaming, Pennsylvania
 4. Philadelphia Park, Pennsylvania
 5. Plainridge Racecourse, Massachusetts
 6. Pocono Downs, Pennsylvania
 7. Pompano Park, Florida
 8. Presque Isle Downs, Pennsylvania.

52. For entry into the minutes, on February 27, 2009, the New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
 1. Raceway Park, Ohio
 2. The Red Mile, Kentucky
 3. Rockingham Park, New Hampshire
 4. Scarborough Park, Maine
 5. Scioto Downs, Ohio
 6. Sunland Park, New Mexico
 7. The Texas Hub, Texas.

53. For entry into the minutes, on February 27, 2009, the New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
 1. Indiana Downs, Indiana
 2. Lebanon Raceway, Ohio
 3. Lewiston Raceway, Maine
 4. The Lodge at Belmont, New Hampshire
 5. NJSEA (Meadowlands/ Monmouth Park), New Jersey
 6. Northfield Park, Ohio
 7. Northville Downs, Michigan
 8. Northville Racing Corporation, Michigan.

54. For entry into the minutes, on February 27, 2009, the New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway request to simulcast its harness racing programs for wagering purposes during the year 2009 to:
 1. Buffalo Raceway, New York
 2. Finger Lakes Racing Association, New York
 3. Monticello Raceway, New York
 4. Tioga Downs, New York
 5. Vernon Downs, New York
 6. Yonkers Raceway, New York.

55. For entry into the minutes, on March 5, 2009, the New York State Racing and Wagering Board approved Saratoga Gaming and Raceway's request to simulcast its harness racing programs for wagering purposes to Lien Games Racing, LLC (with six [6] secondary sites), North Dakota.
56. For entry into the minutes, on March 10, 2009, the New York State Racing and Wagering Board approved Saratoga Gaming and Raceway's request to simulcast its harness racing programs for wagering purposes to Racing 2 Day, Oregon through December 31, 2009.
57. **SUFFOLK REGIONAL OTB – REQUEST TO OFFER “GRAND OPENING” AT NEW QWIK BET – CHARLIE BROWN’S A-FRAME**
For entry into the minutes, on March 10, 2009, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation's March 4, 2009 request to conduct the specified promotions at Charlie Brown's A-Frame involving up to 250 two-dollar (\$2.00) vouchers on April 18, 2009.
58. **SUFFOLK REGIONAL OTB – REQUEST TO OFFER “GRAND OPENING” AT NEW QWIK BET – SHAGWONG TAVERN**
For entry into the minutes, on March 10, 2009, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation's March 4, 2009 request to conduct the specified promotions at Shagwong Tavern involving up to 250 two-dollar (\$2.00) vouchers on April 4, 2009.
59. **TIOGA DOWNS - REQUEST TO IMPLEMENT THE FOLLOWING RACES DURING THE 2009 RACE SEASON**
For entry into the minutes, on February 20, 2009, the New York State Racing and Wagering Board approved the American Racing-Tioga Downs, Inc. February 18, 2009 request to offer the following races during 2009: (1) The Empire Breeders Classic, (2) the Kindergarten Classic, (3) the Rags to Riches Series, (4) the Artiscape and (5) a leg of the Miss Versatility. The Board also approved the conduct of a minimum of six separate “late closing” events to be conducted during the months of May and June of 2009 at Tioga Downs. There will also be at least one “early closing” event at Tioga Downs from among an open trot, an open mare trot and an open mare pace.
60. **TIOGA DOWNS – 2009 PROMOTIONS**
For entry into the minutes, on March 5, 2009, the NYS Racing and Wagering Board approved the American Racing-Tioga Downs, Inc. December 10, 2008 application to conduct the named contests submitted to the Board for the 2009 racing season. These contests are the Derby Hat Contest, a Handicapping Contest, the Hot Dog Eating Contest, the Kentucky Derby Trip for 2010, Lousy T-Shirt Contest (June), Lousy T-Shirt/Little Brown Jug Contest (August), Piece of the Purse, That's My Driver, a Miss Tioga Contest, a 60 Second Wagering Spree and the Change Your Luck contest.
61. **TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on February 26, 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 Saratoga Gaming and Raceway, New York through December 31, 2009.

62. **TIOGA DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 5, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes during 2009 to:
1. Yonkers Raceway, New York
 2. Monticello Raceway, New York.
63. For entry into the minutes, on March 5, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes during 2009 to:
1. Rockingham Park (with two [2] secondary sites), New Hampshire
 2. Plainridge Racecourse, Massachusetts
 3. Ocean Downs LLC (with one [1] secondary site), Maryland
 4. NJSEA (Meadowlands/Monmouth with two [2] secondary sites), New Jersey.
64. For entry into the minutes, on March 5, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes during 2009 to:
1. Hazel Park, Michigan
 2. Delaware Racing Association, Delaware.
65. For entry into the minutes, on March 5, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes during 2009 to Bet Pad LLC (with one [1] web site), Oregon.
66. For entry into the minutes, on March 5, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes during 2009 to:
1. Harrington Raceway, Delaware
 2. Rosecroft, Maryland
 3. Running Aces Harness Park, Minnesota.
67. For entry into the minutes, on March 5, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes during 2009 to:
1. U.S. Off-Track, LLC (with three [3] listed web sites), Oregon
 2. Day at the Track, Inc., Idaho.

68. **VERNON DOWNS - REQUEST TO IMPLEMENT THE FOLLOWING RACES DURING THE 2009 RACE SEASON**
For entry into the minutes, on February 20, 2009, the New York State Racing and Wagering Board approved the American Racing-Vernon Downs, Inc. February 18, 2009 request to offer the following races during 2009: (1) The Empire Breeders Classic, (2) the Kindergarten Classic, (3) the Credit Winner, (4) the Conway Hall and (5) a leg of the Miss Versatility. The Board also approved the conduct of a minimum of one of three separate “early closing” events scheduled to be raced at either Vernon Downs or Tioga Downs during 2009.
69. **VERNON DOWNS – 2009 PROMOTIONS**
For entry into the minutes, on March 5, 2009, the NYS Racing and Wagering Board approved the American Racing-Vernon Downs, Inc. December 10, 2008 application to conduct the named contests submitted to the Board for the 2009 racing season. These contests are the Derby Hat Contest, a Handicapping Contest, the Hot Dog Eating Contest, the Kentucky Derby Trip for 2010, Lousy T-Shirt Contest (June), Lousy T-Shirt/Little Brown Jug Contest (August), Piece of the Purse, That’s My Driver, a Miss Vernon Contest, a 60 Second Wagering Spree and the Change Your Luck contest.
70. **VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on February 26, 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 Saratoga Gaming and Raceway, New York through December 31, 2009.
71. **VERNON DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 10, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes during 2009 to:
1. U.S. Off-Track, LLC (with three [3] specified sites), Oregon
 2. Day at the Track, Inc., Idaho.
72. For entry into the minutes, on March 10, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes during 2009 to:
1. Harrington Raceway, Delaware
 2. Running Aces Harness Park, Minnesota.
73. For entry into the minutes, on March 10, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes during 2009 to:
1. Yonkers Raceway, New York
 2. Monticello Raceway, New York.

74. For entry into the minutes, on March 10, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes during 2009 to:
1. Hazel Park, Michigan
 2. Delaware Racing Association, Delaware.
75. For entry into the minutes, on March 10, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes from April 7, 2009 through December 31, 2009, to:
1. Beulah Park, Ohio
 2. Rockingham Park (with two [2] secondary sites), New Hampshire
 3. Plainridge Racecourse, Massachusetts
 4. Ocean Downs LLC (with one [1] secondary site), Maryland
 5. NJSEA (Meadowlands/Monmouth with two [2] secondary sites), New Jersey.
76. For entry into the minutes, on March 10, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes during 2009 to Bet Pad LLC (with one [1] specified associated site), Oregon.
77. **WESTERN REGIONAL OTB – REQUEST TO OFFER PROMOTION – “OTB PRE-DERBY PARTY” AT E-Z BETS**
For entry into the minutes, on February 27, 2009, the Board approved the Western Regional OTB February 15, 2009 request to offer an “OTB Pre-Derby Party at the (Seven) EZ Bets” during the first two weeks of April, 2009.
78. **YONKERS RACEWAY – REQUEST TO CHANGE POST TIME TO 7:10 PM MONDAY THROUGH SATURDAY**
For entry into the minutes, on February 20, 2009, the Board approved the Yonkers Raceway request to change the post-time for their initial race to 7:10 p.m. for the remainder of 2009. This change begins on Monday evening, March 2, 2009.
79. **YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on February 27, 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 only those specific tracks in Great Britain and Ireland identified with the application to the Board through auspices of TRNI Inc., Pennsylvania through December 31, 2009.
80. For entry into the minutes, on February 27, 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 Lebanon Raceway, Ohio through December 31, 2009.

81. For entry into the minutes, on March 4, 2009, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation to reflect amendments to the contact with Saratoga Gaming and Raceway underlying the previously approved simulcasting. These amendments relate to a Players Reward Program and the acceptance of wagering via the internet and other electronic media and communications devices.
82. **YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on February 27, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway’s request to simulcast its harness racing programs for wagering purposes to Lebanon Raceway, Ohio through December 31, 2009.
83. For entry into the minutes, on February 27, 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 Buffalo Raceway, New York.
84. For entry into the minutes, on February 27, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway’s request to simulcast its harness racing programs for wagering purposes to Racing & Gaming Services, St. Kitts, West Indies through December 31, 2009.
85. For entry into the minutes, on March 4, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway’s request to simulcast its harness racing programs for wagering purposes to Plainridge Racecourse, Massachusetts through December 31, 2009.

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

1. **WESTERN REGIONAL OTB – APPOINTMENT OF NEW MEMBER OF BOARD OF DIRECTORS – SCOTT KIEDROWSKI**
For entry into the minutes, on February 26, 2009, the New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation’s plan of operation to reflect the appointment of Scott Kiedrowski as a member of the Western Regional Off-Track Betting Corporation Board of Directors representing Niagara County.
2. **WESTERN REGIONAL OTB – APPOINTMENT OF NEW BOARD MEMBER – DENNIS BASSETT**
For entry into the minutes, on March 9, 2009, the New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation’s plan of operation to reflect the appointment of Dennis Bassett as a member of the Western Regional Off-Track Betting Corporation Board of Directors representing the City of Rochester.

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 months of April & May, 2009 only.

The conduct of racing is subject to all applicable laws and rules, as well as all orders and directives of the Board.

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 months of April & May, 2009 only.

The conduct of racing is subject to all applicable laws and rules, as well as all orders and directives of the Board.

3. VERNON DOWNS – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS

The New York State Racing and Wagering Board assigned to Vernon Downs the race dates requested for the months of April & May, 2009 only.

The conduct of racing is subject to all applicable laws and rules, as well as all orders and directives of the Board.

4. MONTICELLO RACEWAY – REQUEST TO WITHDRAW \$67,884.90 FROM CIF

The New York State Racing and Wagering Board approved \$44,928.59 of the Monticello Raceway request to withdraw \$67,884.90 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

Backstretch (86%)

| | |
|---|---------------------|
| Supplies and materials for Barn Renovations | \$ 6,975.16 |
| New barns roofs | \$ 9,463.90 |
| Paving (Main stable gate & main road.) | \$ 6,450.00 |
| Maintenance Trucks [1997 GMC T6500] | \$ 6,760.00 |
| 1994 Ford Ambulance | \$ 6,240.00 |
| 2 Water Heaters for Barns | \$ 1,241.03 |
| New Saddle Pads for Horses | \$ 1,668.10 |
| | <u>\$ 38,798.19</u> |

Other (14%)

| | |
|-----------------------|--------------------|
| Electrical Pole – 40' | \$ 6,130.40 |
| | <u>\$ 6,130.40</u> |

Total Approved \$ 44,928.59

The Board denied \$22,956.31 of the request for items that were not included in the 2008 or 2009 Capital Improvement Budget.

5. **BATAVIA DOWNS/WESTERN REGIONAL OTB – REQUEST TO WITHDRAW \$21,491.39 FROM CIF**

The New York State Racing and Wagering Board approved the Batavia Downs request to withdraw \$21,491.39 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

| | |
|---------------------------|-------------------------|
| <u>Backstretch (100%)</u> | |
| Replace Roof Barn #6 | <u>\$21,491.39</u> |
| Total Approved | <u>\$ 21,491.39</u> |

6. **FINGER LAKES – REQUEST TO WITHDRAW \$70,193.79 FROM CIF**

The New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to withdraw \$70,193.79 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

| | |
|--|-------------------------------|
| <u>Backstretch (77%)</u> | |
| Rebuild Barn, Exterior Barn #3 | \$46,800.00 |
| Paint Exterior of Barns (Barns #19 & 20) | <u>7,048.83</u> |
| Total | \$53,848.83 |
| <u>Other (23%)</u> | |
| Concession Stand Lower Club Renovations | <u>\$16,344.96</u> |
| Total Approved | <u><u>\$70,193.79</u></u> |

7. **NASSAU REGIONAL OTB – APPOINTMENT OF VICE PRESIDENTS - MICHAEL SANTERAMO, JR. AND JOHN FABIO**

The New York State Racing and Wagering Board approved an amendment to the Nassau Regional Off-Track Betting Corporation plan of operation to reflect the appointments of Michael Santeramo, Jr. to the post of Vice President of Corporate Affairs and Administration and John Fabio as Vice President of Operations.

8. **CAPITAL DISTRICT REGIONAL OTB – NEW OWNER OF E-Z BET - VILLA VALENTI PUB - TROY**

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 an E-Z Bet simulcast facility located in Troy, N.Y. at the Villa Valenti Pub, LLC located at 729 Pawling Avenue.

9. **CAPITAL DISTRICT REGIONAL OTB – NEW E-Z BET - MOSCATIELLO’S ITALIAN FAMILY RESTAURANT - TROY**

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 an EZ Bet simulcast facility located in Troy, N.Y. at the Moscatiello’s Italian Family Restaurant located at 99 North Greenbush Road (U.S. Route 4).

10. **IN THE MATTER OF THE CLAIM OF "B SMART" IN THE 3RD RACE ON JULY 26, 2008 AT YONKERS RACEWAY**
The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr. to reverse the decision of the Presiding Judge at Yonkers Raceway, which voided the claim of Frank Canzone for B SMART from the third race of July 26, 2008.
11. **IN THE MATTER OF CARMINE FUSCO**
The Board concludes that Exhibit #14 should have been received into evidence and remanded the entire case to the Hearing Officer with direction to:
 1. Schedule and conduct a further hearing session;
 2. Admit Board exhibit #14 into evidence;
 3. Receive testimony and evidence concerning the contents of exhibit #14 and matters relevant to the charges in the amended notice of hearing; and
 4. Submit a report to the Board based upon the entire proceeding, including a recommendation for a penalty in the event the additional charges are upheld.
12. **IN THE MATTER OF MARK D. BECKWITH**
The Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr. to dismiss the charge, license suspension and fine in relation to the report of an excessive TCO2 level finding for the horse SAND SAX, trained by him, which competed at Yonkers Raceway on May 7, 2007. The Board noted that there is no requirement that pre-race TCO2 blood samples be drawn more than a 3:00 hour interval after the administration of race-day furosemide (lasix) for the TCO2 test result to be valid; and that the TCO2 test result and time interval after lasix in this appeal are not distinguishable from those in Mtr. of Tina Adamczyk (MR 01-2008).
13. **IN THE MATTER OF SCOTT SCOFIELD**
The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr. and revoked the harness trainer-driver license of Scott Scofield based upon his violation of the Board's substance abuse Rule.
14. **IN THE MATTER OF JUAN VILLALONGO-COTTO**
The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Russell H. Baller, Jr. and revoked the thoroughbred groom license of Juan Villalongo-Cotto based upon his failure to comply with the terms of his voluntary license surrender and the underlying substance abuse positive on August 28, 2008.
15. **IN THE MATTER OF LESTER QUINTYNE**
The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Russell H. Baller, Jr. and revoked the thoroughbred exercise rider license of Lester Quintyne based upon his refusal to comply with the request to provide a sample and his admission to use of marijuana.

16. **RULE PROPOSAL FOR OUT-OF-COMPETITION TESTING**

The New York State Racing and Wagering Board approved the proposal of amendments to the thoroughbred and harness Rules to authorize and govern out of competition testing (Rules 4043.1[g], 4043.12, 4120.1[g], 4120.1). The proposal will be submitted to the Governor's Office of Regulatory Reform with appropriate documents.

17. **NOTICE OF ADOPTION – AUDIBLE ALERT – RULE 5823.2**

The New York State Racing and Wagering Board approved the adoption of an amendment to Board Rule 5823.2, governing electronic bingo aids, in order to authorize electronic bingo aids to emit sounds that may aid visually impaired players.

18. **NOTICE OF ADOPTION – REPEAL OF STATE LOTTERY RULES IN PARTS 5000 AND 5001 NYCRR**

The New York State Racing and Wagering Board approved the repeal of the obsolete State Lottery rules currently contained in Title 9(E) NYCRR Parts 5000 and 5100.

19. **FINGER LAKES RACETRACK – 2009 RACING OFFICIALS**

Pursuant to Board Rule 4005.1, the New York State Racing and Wagering Board approved the employment as racing officials for the 2009 season at Finger Lakes Gaming and Racetrack of eighteen (18) of the nineteen (19) individuals submitted to the Board in the Finger Lakes Racing Association revised letter dated March 2, 2009.

The Board deferred action on Mary Hooten (Horse Identifier & Alternate Placing Judge).

The meeting recessed at 12:10 p.m. and resumed at 12:26 p.m.

There was dialogue concerning whether and under what terms Saratoga Harness would extend the existing agreement for in-home simulcasting with Capital OTB.

20. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR LIVE VIDEOSTREAMING ON ITS WEBSITE**

The New York State Racing and Wagering Board approved Capital District Regional Off-Track Betting Corp.'s ("CDROTB") request to amend its Internet Wagering plan of operation to include video streaming for "In-Region" and out-of-state customers as described in the submission dated June 30, 2008. This approval is conditioned upon compliance with the requirements that:

- CDROTB periodically verify (no less than once every calendar year) that the official address of those individuals who utilize the video streaming is within CDROTB's defined region
- All in-home simulcasting, whether by cable distribution, video streaming or any other approved means and whether on a live or delayed replay basis, requires the specific consent of the host track to the specific means of distribution.

All in-home simulcasting, whether by cable distribution, video streaming or any other approved means and whether on a live or delayed replay basis, is subject to and must comply with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law.

21. FINGER LAKES RACETRACK – 2009 TRACK AND SIMULCAST LICENSE APPLICATIONS

The New York State Racing and Wagering Board granted the Finger Lakes Racing Association, Inc. track and simulcast licenses for 2009.

The Board assigned the remainder of the 163 racing programs requested on the dates specified and at the post times requested. The Board approved plans relating to the Magnetic Media Storage (Rule 5100.5), Totalisator Room Security (Rule 5100.23[d]), and Posting of Race Results (Rule 5100.11).

The 2009 track and simulcast licenses are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
 - a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
 - b. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalisator facilities at the site where guest's wagers are subject to commingling and all related totalisator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - c. Any agreement which you are party to is subject to the requirements of the host and guest jurisdiction with any provision mandated by either jurisdiction with such provisions specifically incorporated into contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
 - d. An SAS-70 Type II audit is to be performed for the current licensing period on the totalisator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2009.
 - e. Rule 5100.2(b)(1), which requires that the track's totalisator system be in compliance with Rule 5100.24(1)-Independent Monitoring System.

22. **DESIGNATION OF STACY HARVEY TO ADMINISTER OATHS AND ISSUE SUBPOENAS**

The New York State Racing and Wagering Board approved the designation of Stacy Harvey to administer oaths and issue subpoenas pursuant to Section 101(9) of the Racing, Pari-Mutuel Wagering and Breeding Law.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for February 1, 2009 through February 28, 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 February 1, 2009 through February 28, 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 February 9, 2009 through March 6, 2009.

4. **LICENSING/CURRENT LICENSE COUNT**

The current racing licensing counts as of February 28, 2009 since January 1, 2009 are as follows: total receipts 1,185 and total licenses 798 for the year 2009.

5. **2009 LICENSED SUPPLIERS**

List of licensed suppliers – manufacturers’ and distributors’ licenses issued for the time period of February 1, 2009 through February 28, 2009.

6. **SARATOGA RACEWAY – INFORMATION RELATIVE TO PEACE OFFICERS**

The conditions have been fulfilled and licenses issued for the following individuals:

Donald Braim
Bruce Cogan
Kenneth Gaul
James Kelly
Anthony Lontrato
James McCann
Michael Moffre
Eric Ryan
James Sarro
Robert Stearns
John Treshock
Catherine Wood
Kenneth Yearsley.

7. **YONKERS RACEWAY – INFORMATION RELATIVE TO PEACE OFFICERS**
The conditions have been fulfilled and a license issued for the following individual:
Robert Parra.
8. **NYRA - NYRA REWARDS 2008 FOURTH QUARTER RESULTS**
The reports for the fourth quarter of 2008 were filed on January 14, 2009.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

The meeting recessed at 12:58 p.m. and resumed at 1:07 p.m.

Saratoga Harness and Capital OTB stated their agreement to an extension through April 30, 2009 for in-home simulcasting. This is related to Item D-20 which was acted on and approved by the Board at this time.

The meeting adjourned at 1:13 p.m.