



**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF SEPTEMBER 22, 2009**

**A meeting of the New York State Racing and Wagering Board was held on Tuesday, September 22, 2009 at 1:00 p.m. at the Racing & Wagering Board's Schenectady Office located at 1 Broadway Center, Suite 600, Schenectady, New York.**

**The meeting was called to order at 1:04 p.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, Audits & Investigations  
Gail Pronti, Secretary to the Board

**Also in Attendance Were:**

Kenneth Council, Director of Administration  
Joseph Mahoney, NYSR&WB  
Kristen Buckley, NYSR&WB  
Vivian Davis, NYSR&WB  
William Sekellick, NYSR&WB  
Stacy Harvey, NYSR&WB  
Robert Hemsworth, Capital OTB  
James Crane, Crane, Parente

**OPEN COMMENT PERIOD:** No comments were made.

**A.** The Board approved the minutes of the Board meeting held on July 21, 2009.

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

**1. BUFFALO RACEWAY – REQUEST TO ALLOW VIDEO REPLAYS ON HARNESS HORSE BREEDERS OF NYS WEBSITE**

For entry into the minutes, on July 28, 2009, the New York State Racing and Wagering Board approved the request of Buffalo Raceway to provide official race replays to the Harness Horse Breeders of New York through December 31, 2009 for the specific purposes set forth in the agreement dated July 14, 2009.

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

For entry into the minutes, on July 10, 2009, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Batavia Downs, New York through December 31, 2009.

3. For entry into the minutes, on July 10, 2009, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Ellis Park, Kentucky through September 7, 2009.

4. For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Del Mar Thoroughbred Club, California from July 22, 2009 through September 9, 2009.

5. For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation authorizing participation in the three Little Brown Jug Future Wagers pools on the year 2009 Little Brown Jug to be run on September 24, 2009 at the Delaware County Fair, Ohio.

6. On August 4, 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 Laurel Park, Maryland through August 27, 2009.

7. On August 27, 2009, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Turfway Park LLC (Fall and Holiday Meet), Kentucky from September 9 through October 8, 2009 and from November 29 through December 31, 2009.

8. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER WINNERS’ CIRCLE MEMBERSHIP PROMOTION**  
For entry into the minutes, on July 10, 2009, the New York State Racing and Wagering Board approved the July 7, 2009 application by the Capital District Regional Off-Track Betting Corporation to offer a membership in the Capital OTB Winners Circle Club for the Saratoga Racecourse meeting only.
9. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR ALL SIX NYS OTB PICK SIX PROMOTIONS ON SATURDAY AT SARATOGA RACECOURSE**  
For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation on the behalf of itself and the Catskill OTB, Nassau OTB, New York City OTB, Suffolk OTB and Western OTB corporations, to conduct on Saturdays during the month of August 2009 and the first Saturday in September, a New York State OTB Saratoga Racecourse “Pick-Six” Promotion.
10. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CHANGE E-Z BET OWNERSHIP – PARTNER’S PUB – JOHNSTOWN**  
For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District Off-Track Betting Corporation’s plan of operation to reflect the grant of temporary approval for the EZ-Bet facility, Partner’s Pub (Johnstown, NY) to continue operating pending staff’s review of the new ownership, which will take effect on July 23, 2009. This temporary approval was limited to 60 days from the date of this letter and was conditioned on the following:
- Prompt cooperation by both Capital OTB and new ownership with Board review, including requests for information
  - The temporary approval shall expire and be of no force and effect in the event of any change in ownership from what has been currently submitted for staff’s review
  - The Board reserves the right to rescind the approval based upon the background review
  - Capital OTB must review the EZ-Bet operation bi-weekly for the period of the temporary approval and file a report to the Board based on that review.
11. **CAPITAL DISTRICT REGIONAL OTB – REQUEST PROMOTIONS FOR SARATOGA RACECOURSE 2009**  
For entry into the minutes, on July 24, 2009, the New York State Racing and Wagering Board approved the July 13, 2009 request of the Capital District Regional Off-Track Betting Corporation to conduct the promotions specified in the application with the exception of the July 29-August 31 Winners Circle event at the Albany Teletheater, which was withdrawn.
12. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on August 13, 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 Batavia Downs, New York for the remainder of the year 2009.

13. For entry into the minutes, on August 27, 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 The Delaware County Fair, Ohio from September 22, 2009 through September 24, 2009.
14. **CATSKILL REGIONAL OTB – REQUEST TO AMEND HANDICAPPING TOURNAMENTS CONTEST**  
For entry into the minutes, on July 23, 2009, the New York State Racing and Wagering Board approved the Catskill Regional OTB request to conduct promotional handicapping tournaments/contests (2009 Catskill Club Handicap Challenge Series) between August 7 and August 28, 2009 on the specific dates and at the specific locations identified in the July 23, 2008 application to the Board.
15. **CATSKILL REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on July 10, 2009, the New York State Racing and Wagering Board approved an amendment to the Catskill OTB Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Northfield Park, Ohio through December 31, 2009.
16. For entry into the minutes, on August 4, 2009, the New York State Racing and Wagering Board approved an amendment to the Catskill, Capital and Western Regional Off-Track Betting Corporations’ simulcast plans of operation authorizing the simulcast for wagering purposes of races from The Red Mile, Kentucky through December 31, 2009.
17. For entry into the minutes, on August 27, 2009, the New York State Racing and Wagering Board approved an amendment to the Catskill Regional Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from The Delaware County Fair, Ohio from September 22, 2009 through September 24, 2009.
18. **FINGER LAKES RACETRACK – EXTENSION OF JOCKEY APPRENTICESHIP OF RAMON MOJICA FERNANDEZ**  
For entry into the minutes, on July 14, 2009, the New York State Racing and Wagering Board approved an extension to the apprenticeship of Ramon Mojica Fernandez for an additional three hundred twelve (312) days due to three separate injuries.  
  
The apprentice allowance of Ramon Mojica Fernandez is extended until November 20, 2009 or the date of his 40<sup>th</sup> win, whichever occurs earlier.
19. **FINGER LAKES RACETRACK – REQUEST TO ADD SUPERFECTA WAGERING TO ALL NINE RACES**  
For entry into the minutes, on August 5, 2009, the New York State Racing and Wagering Board approved the July 17, 2009 request of Finger Lakes Racetrack to conduct superfecta wagering on each of the nine daily races offered provided there is a minimum of seven programmed betting interests per race. The superfecta need not be declared off

if six betting interests remain in the event of a late scratch after the horses have left the paddock.

20. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS**

For entry into the minutes, on July 22, 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 Del Mar Thoroughbred Club, California from July 22, 2009 through September 9, 2009.

21. For entry into the minutes, on July 22, 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 Batavia Downs, New York from July 27, 2009 through December 5, 2009.

22. For entry into the minutes, on August 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 Laurel Park, Maryland through August 27, 2009.

23. For entry into the minutes, on August 27, 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 Kentucky Downs, LLC, Kentucky on September 19, 21, 26 and 28, 2009.

24. **FINGER LAKES RACETRACK – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**

For entry into the minutes, on July 14, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Ellis Park Race Course (with eleven [11] secondary sites), Kentucky through December 5, 2009.

25. For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to the following tracks through December 5, 2009:

1. Emerald Downs (with fourteen [14] secondary sites), Washington
2. Lebanon Raceway, Ohio.

26. For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Rosecroft, Maryland through December 5, 2009.

27. For entry into the minutes, on August 4, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its

thoroughbred racing programs for wagering purposes to Northville Racing Corporation, Michigan through December 5, 2009.

28. For entry into the minutes, on August 13, 2009, the New York State Racing and Wagering Board approved Finger Lakes Racing Association, Inc.'s request to simulcast its harness racing programs for wagering purposes to eBet Technologies, Inc., Oregon through December 31, 2009.
29. **MONTICELLO RACEWAY – REQUEST TO SEND OUT PLAYERS' CLUB COUPONS**  
For entry into the minutes, on July 10, 2009, the New York State Racing and Wagering Board approved the Monticello Gaming and Raceway request to offer nominal racing betting coupons throughout the remainder of 2009 as described in the July 6, 2009 application and clarified on July 9, 2009.
30. **MONTICELLO RACEWAY – REQUEST TO POST REPLAYS OF RACES TO HHB WEBSITE**  
For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the request of Monticello Raceway Mgmt, Inc. to provide official race replays to the Harness Horse Breeders of New York through December 31, 2009 only for the specific purposes set forth in the agreement dated July 15, 2009.
31. **MONTICELLO RACEWAY – REQUEST TO POST REPLAYS OF RACES TO USTA WEBSITE**  
For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the request of Monticello Raceway Mgmt, Inc. to provide official race replays to the U.S. Trotting Association for the specific purposes set forth in the agreement submitted to the Board on July 15, 2009.
32. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on July 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 Batavia Downs, New York through December 31, 2009.
33. For entry into the minutes, on July 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 Canterbury Park, Minnesota on July 25, 2009 only.
34. For entry into the minutes, on July 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 Ellis Park, Kentucky through September 7, 2009.
35. For entry into the minutes, on July 14, 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 The Red Mile, Kentucky from August 2, 2009 through October 10, 2009.

36. For entry into the minutes, on July 22, 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 Del Mar Thoroughbred Club, California from July 22, 2009 through September 9, 2009.
37. For entry into the minutes, on August 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 Laurel Park, Maryland through August 27, 2009 and Timonium, Maryland, from August 28 through September 7, 2009.
38. For entry into the minutes, on August 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 Hoosier Park, Indiana through October 24, 2009.
39. For entry into the minutes, on August 5, 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 The Downs at Albuquerque, Inc. (The New Mexico Fair Meet), New Mexico from August 8, 2009 through October 27, 2009.
40. For entry into the minutes, on August 19, 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 September 30, 2009.
41. For entry into the minutes, on August 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 The Delaware County Fair, Ohio from September 22, 2009 through September 24, 2009.
42. **MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on August 5, 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 Northville Racing Corporation, Michigan through December 31, 2009.
43. For entry into the minutes, on August 13, 2009, the New York State Racing and Wagering Board approved Monticello Raceway Mgmt, Inc.’s request to simulcast its harness racing programs for wagering purposes to eBet Technologies, Inc., Oregon through December 31, 2009.

44. **NASSAU REGIONAL OTB – REQUEST TO OFFER PROMOTION TO TELEPHONE ACCOUNT HOLDER VIA ACH DEPOSITS**  
For entry into the minutes, on July 10, 2009, the NYS Racing and Wagering Board approved the July 1, 2009 Nassau Regional Off-Track Betting Corporation request to conduct the described promotion between July 30 and September 30, 2009 involving the ACH Account Deposit program.
45. **NASSAU REGIONAL OTB – REQUEST TO OFFER PLAYER’S CLUB PROMOTION**  
For entry into the minutes, on July 10, 2009, the NYS Racing and Wagering Board approved the June 30, 2009 Nassau Regional Off-Track Betting Corporation request to conduct the described Player Club Program promotion on July 29, 2009.
46. **NASSAU REGIONAL OTB – REQUEST TO OFFER PROMOTION TO PLAYER’S CLUB MEMBERS AT CARLE PLACE BRANCH**  
For entry into the minutes, on July 10, 2009, the NYS Racing and Wagering Board approved the July 1, 2009 Nassau Regional Off-Track Betting Corporation request to conduct a bonus point promotion from September 1-30, 2009 involving wagers on Player Reward Accounts at the Carle Place branch.
47. **NASSAU REGIONAL OTB – REQUEST TO OFFER PLAYER’S CLUB PROGRAM TRIFECTA PROMOTION**  
For entry into the minutes, on July 10, 2009, the NYS Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation June 30, 2009 request to conduct the Players Club Program promotion for trifecta wagers between July 19 and September 7, 2009.
48. **NASSAU REGIONAL OTB – REQUEST TO OFFER STARTING GATE PROMOTION AT CAPITAL ONE THEATER**  
For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the July 14, 2009 Nassau Regional Off-Track Betting Corporation request to conduct the Capital One Theater promotion from August 1 until December 31, 2009.
49. **NASSAU REGIONAL OTB – REQUEST TO CONDUCT “PLACE PARLAY” HANDICAPPING CONTESTS**  
For entry into the minutes, on August 19, 2009, the New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation August 10, 2009 request to conduct the “Place Parlay” handicapping contest from August 28 until December 31, 2009.
50. **NEW YORK CITY OTB – REQUEST TO OFFER “OUT OF THE GATE” PROMOTION AT SARATOGA RACECOURSE**  
For entry into the minutes, on July 24, 2009, the New York State Racing and Wagering Board approved the New York City Off-Track Betting Corporation July 23, 2009 request to conduct the “Out of the Gate” promotion on each Wednesday, Thursday and Friday of the 2009 Saratoga Race Course meeting.



51. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on July 22, 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 Tioga Downs, New York through September 12, 2009.
52. For entry into the minutes, on July 22, 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 Vernon Downs, New York through November 7, 2009.
53. For entry into the minutes, on July 22, 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 Del Mar Thoroughbred Club, California from July 22, 2009 through September 9, 2009.
54. For entry into the minutes, on August 4, 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 August 27, 2009.
55. For entry into the minutes, on August 4, 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 Hoosier Park, Indiana through October 24, 2009.
56. For entry into the minutes, on August 27, 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 LLC (Fall and Holiday Meet), Kentucky from September 9 through October 8, 2009 and from November 29 through December 31, 2009.
57. For entry into the minutes, on August 27, 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 Kentucky Downs, LLC, Kentucky on September 19, 21, 26 and 28, 2009.
58. For entry into the minutes, on August 27, 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 Remington Park, Oklahoma through December 13, 2009.
59. **NYRA – REQUEST TO OFFER PICK-4 & ALL STAKES PICK-4 WAGERING**  
For entry into the minutes, on July 10, 2009, the New York State Racing and Wagering Board approved the New York Racing Association July 7, 2009 request to offer the following wagers with guaranteed pools:

1. A \$500,000 guaranteed Pick-4 in the late Pick-4 at Saratoga Race Course on each Saturday (except) Travers Day) during 2009; and
  2. A \$1,000,000 guaranteed All Stakes Pick-4 wagering pool on the late Pick-4 at Saratoga Race Course on Travers Day, 2009.
60. **NYRA – REQUEST TO OFFER PICK-4 & ALL STAKES PICK-4 WAGERING**  
For entry into the minutes, on August 19, 2009, the New York State Racing and Wagering Board approved the New York Racing Association revised August 19, 2009 request to distribute fifteen \$1,000.00 vouchers on Thursday, September 3, 2009 pursuant to a drawing of ticket stubs.
61. **NYRA – REQUEST TO PERMANENTLY LIVE VIDEO STREAM “TALKING HORSES” SHOW**  
For entry into the minutes, on August 27, 2009, the New York State Racing and Wagering Board approved the New York Racing Association Inc. request to video stream live the “Talking Horses” show on a permanent basis on nyra.com.
62. **NYRA – REQUEST TO OFFER GUARANTEED LATE PICK - FOUR WAGER FOR 2009 BELMONT MEET**  
For entry into the minutes, on August 27, 2009, the New York State Racing and Wagering Board approved the New York Racing Association Inc. request to offer a guaranteed \$350,000 late Pick 4 every Saturday at Belmont Park during the 2009 Belmont Fall Championship Season (September 12-October 24, 2009).
63. **NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on July 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:
1. Ellis Park, Kentucky through September 7, 2009
  2. Canterbury Park, Minnesota on July 25, 2009 only.
64. For entry into the minutes, on July 22, 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 the Del Mar Thoroughbred Club, California from July 22, 2009 through September 9, 2009.
65. For entry into the minutes, on August 4, 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 Laurel Park through August 27, 2009.
66. For entry into the minutes, on August 4, 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 Hoosier Park through October 24, 2009.

67. For entry into the minutes, on August 13, 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 Retama Park, Texas from August 28, 2009 through November 7, 2009.
68. For entry into the minutes, on August 19, 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 Remington Park, Oklahoma from August 21, 2009 through December 13, 2009.
69. For entry into the minutes, on August 19, 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 Kentucky Downs, LLC, Kentucky on September 19, 21, 26 and 28, 2009.
70. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on July 10, 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 Del Mar Thoroughbred Club (with thirty-seven [37] secondary sites), California from July 22, 2009 through September 9, 2009.
71. For entry into the minutes, on July 10, 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 Ellis Park Race Course, Inc. (with eleven [11] secondary sites), Kentucky through September 7, 2009.
72. For entry into the minutes, on July 22, 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 Miami Valley Trotting Club d/b/a Lebanon Raceway, Ohio from July 29, 2009 through December 31, 2009.
73. For entry into the minutes, on July 22, 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 for the year 2009 to the following additional secondary sites associated with the previously approved simulcasts to Remington Park, Oklahoma:
  1. La Bola Loca, Oklahoma
  2. Starting Line Sports Grill, Oklahoma.
74. For entry into the minutes, on August 4, 2009, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes to Potawatomi Bingo Casino, Wisconsin through December 31, 2009.
75. For entry into the minutes, on August 4, 2009, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred

racing programs for wagering purposes to the following additional secondary site, Alexander OTB, Oregon, associated with the previously approved simulcasts to Track Net Media Group, LLC.

76. For entry into the minutes, on August 13, 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 for the year 2009 to the following additional secondary site, Rialto 2, Tigard, Oregon associated with the previously approved simulcasts to Portland Meadows, Oregon.
77. For entry into the minutes, on August 13, 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 for the year 2009 to the following additional secondary site, Heritage Place, Oklahoma City, Oklahoma associated with the previously approved simulcasts to Remington Park, Oklahoma.
78. For entry into the minutes, on August 13, 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 Yonkers Raceway, New York through December 31, 2009.
79. For entry into the minutes, on August 19, 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 Los Angeles County Fair Association (Fairplex Park with thirty-nine [39] secondary sites), California from September 9 through September 28, 2009.
80. For entry into the minutes, on August 25, 2009, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs wagering purposes Hipica de Panama (with eighty-six [86] secondary sites), Panama through December 31, 2009. This approval is for common pool wagering using net pool pricing to adjust takeouts with all wagering converted to United States dollars prior to transfer of pools to the New York Racing Association pursuant to the August 24, 2009 letter of CODERE AMERICA.
81. For entry into the minutes, on August 27, 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 for the year 2009 to the following additional secondary site, Yellowstone Downs at MetraPark, Billings, Montana associated with the previously approved simulcasts to Montana Entertainment, LLC.
82. **SARATOGA HARNESS – REQUEST TO OFFER SUPERFECTA WAGERING**  
For entry into the minutes, on July 10, 2009, the New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway request to conduct superfecta wagering on every race in which there are eight programmed betting interests. The superfecta wager will still be viable should seven betting interests remain in the event of a scratch in the paddock or on the track before a given race.

83. **SARATOGA HARNESS – REQUEST TO OFFER “THOROUGHBRED THROWDOWN” HANDICAPPING CONTEST**  
For entry into the minutes, on August 4, 2009, the New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway July 22, 2009 request to conduct the \$10,000 “Thoroughbred Throwdown” on Saturday, September 19, 2009.
84. **SARATOGA HARNESS – REQUEST TO DISPLAY RACE REPLAYS ON THE HBNYS WEBSITE**  
For entry into the minutes, on August 5, 2009, the New York State Racing and Wagering Board approved the request of Saratoga Gaming and Raceway to provide official race replays to the Harness Horse Breeders of New York through December 31, 2009 only for the specific purposes set forth in the agreement dated July 20, 2009.
85. **SARATOGA HARNESS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on July 22, 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. Del Mar Thoroughbred Club, California from July 22, 2009 through September 9, 2009
  2. The Red Mile, Kentucky from August 2, 2009 through October 10, 2009.
86. For entry into the minutes, on July 22, 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 Batavia Downs, New York from July 27, 2009 through December 5, 2009.
87. For entry into the minutes, on August 17, 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. Tioga Downs, New York through September 12, 2009
  2. Vernon Downs, New York through November 7, 2009.
88. For entry into the minutes, on August 19, 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 Turfway Park LLC (Fall and Holiday Meet), Kentucky from September 9 through October 8, 2009 and from November 29 through December 31, 2009.
89. For entry into the minutes, on August 19, 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 Kentucky Downs, LLC, Kentucky on September 19, 21, 26 and 28, 2009.

90. For entry into the minutes, on August 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 The Delaware County Fair, Ohio from September 22, 2009 through September 24, 2009.
91. **SARATOGA HARNESS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on August 13, 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 eBet Technologies, Inc., Oregon through December 31, 2009.
92. **SUFFOLK REGIONAL OTB – QUIK BET CLOSURE - HIGH NOON SALOON D/B/A ST. JAMES TAVERN**  
For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation’s request to amend their plan of operation to reflect the closure of the off-track betting facility within the High Noon Saloon d/b/a the St. James Tavern located at 655 Middle Country Road in St. James, N. Y.
93. **SUFFOLK REGIONAL OTB – REQUEST TO AMEND NEW YORK STATEWIDE OTB HANDICAPPING CONTEST**  
For entry into the minutes, on August 27, 2009, the New York State Racing and Wagering Board approved the August 21, 2009 application to amend the rules of the New York State Statewide OTB \$75,000.00 handicapping contest to authorize electronic entries as set forth in the application.
94. **TIOGA DOWNS – REQUEST TO POST REPLAYS OF RACES TO HHB WEBSITE**  
For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the request of Tioga Downs to provide official race replays to the Harness Horse Breeders of New York through December 31, 2009 only for the specific purposes set forth in the agreement dated July 15, 2009.
95. **TIOGA DOWNS – REQUEST TO OFFER MYSTERY VOUCHER GIVEAWAY**  
For entry into the minutes, on August 19, 2009 the New York State Racing and Wagering Board approved the August 13, 2009 request by American Racing – Tioga Downs Inc. to conduct a Mystery Voucher promotion on September 12, 2009.
96. **TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing participation in the three Little Brown Jug Future Wagers pools on the year 2009 Little Brown Jug to be run on September 24, 2009 at the Delaware County Fair, Ohio.

97. For entry into the minutes, on August 17, 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:
  1. Monticello Raceway, New York through December 31, 2009
  2. Batavia Downs, New York through December 5, 2009
  3. The New York Racing Association, New York through December 31, 2009.
98. For entry into the minutes, on August 19, 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 The Red Mile, Kentucky through October 10, 2009.
99. For entry into the minutes, on August 27, 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 The Delaware County Fair, Ohio from September 22, 2009 through September 24, 2009.
100. **TIOGA DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on July 10, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to ODS Technologies, L.P. d/b/a TVG Networks, California through September 12, 2009.
101. For entry into the minutes, on July 14, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to Woodbine Entertainment Group (with thirty-two [32] secondary sites), Ontario, Canada through September 12, 2009.
102. For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to Lebanon Raceway, Ohio from July 31, 2009 through September 12, 2009.
103. For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to:
  1. Clinton Raceway, Ontario, Canada from August 1, 2009 through September 12, 2009
  2. Ft. Erie Race Track (with three [3] secondary sites), Ontario, Canada through September 12, 2009
  3. Grand River Agricultural Society (with four [4] secondary sites), Ontario, Canada from August 1, 2009 through September 12, 2009.
104. For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to:

1. Hanover, Bentink and Brant Agricultural Society, Ontario, Canada from August 1, 2009 through September 7, 2009
  2. Kawartha Downs Raceway, Ontario, Canada through September 12, 2009.
105. For entry into the minutes, on August 4, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to Rocky Mountain Turf Club (with three (3) secondary sites), Alberta Canada during the year 2009.
106. For entry into the minutes, on August 13, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to eBet Technologies, Inc., Oregon through December 31, 2009.
107. **VERNON DOWNS – REQUEST TO POST REPLAYS OF RACES TO HHB WEBSITE**  
 For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the request of Vernon Downs to provide official race replays to the Harness Horse Breeders of New York through December 31, 2009 for the specific purposes set forth in the agreement dated July 15, 2009.
108. **VERNON DOWNS – REQUEST TO OFFER SUPERFECTAS ON ALL RACES ON SEPTEMBER 26 – SIRE STAKES**  
 For entry into the minutes, on August 19, 2009, the New York State Racing and Wagering Board approved the American Racing-Vernon Downs request to offer superfecta wagering in every race on Saturday, September 29, 2009.
109. **VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
 For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing participation in the three Little Brown Jug Future Wagers pools on the year 2009 Little Brown Jug to be run on September 24, 2009 at the Delaware County Fair, Ohio.
110. For entry into the minutes, on August 17, 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:
1. Monticello Raceway, New York through December 31, 2009
  2. Batavia Downs, New York through December 5, 2009
  3. The New York Racing Association, New York through December 31, 2009.
111. For entry into the minutes, on August 19, 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 The Red Mile, Kentucky through October 10, 2009.



112. For entry into the minutes, on August 27, 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 The Delaware County Fair, Ohio from September 22, 2009 through September 24, 2009.
113. **VERNON DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on July 10, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to ODS Technologies, L.P. d/b/a TVG Networks, California through November 7, 2009.
114. For entry into the minutes, on July 14, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Woodbine Entertainment Group (with thirty-two [32] secondary sites), Ontario, Canada through November 7, 2009.
115. For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Lebanon Raceway, Ohio from July 28, 2009 through November 7, 2009.
116. For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to:
1. Clinton Raceway, Ontario, Canada from August 1, 2009 through November 7, 2009
  2. Ft. Erie Race Track (with three [3] secondary sites), Ontario, Canada through November 7, 2009
  3. Grand River Agricultural Society (with four [4] secondary sites), Ontario, Canada from August 1, 2009 through November 7, 2009.
117. For entry into the minutes, on July 22, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to:
1. Hanover, Bentink and Brant Agricultural Society, Ontario, Canada from August 1, 2009 through November 7, 2009
  2. Kawartha Downs Raceway, Ontario, Canada through November 7, 2009.
118. For entry into the minutes, on August 4, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Rocky Mountain Turf Club (with three [3] secondary sites), Alberta Canada during the year 2009.
119. For entry into the minutes, on August 13, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing

programs for wagering purposes to eBet Technologies, Inc., Oregon through December 31, 2009.

120. **BATAVIA DOWNS/WESTERN REGIONAL OTB – REQUEST TO DISPLAY RACE REPLAYS ON HARNESS HORSE BREEDERS OF NYS WEBSITE**  
For entry into the minutes, on July 24, 2009, the New York State Racing and Wagering Board approved the request of Western Regional Off-Track Betting Corporation to provide official race replays to the Harness Horse Breeders of New York through December 31, 2009 only for the specific purposes set forth in the agreement dated July 16, 2009.
121. **WESTERN REGIONAL OTB/BATAVIA DOWNS - REQUEST SIMULCASTING WITH WGRZ-TV/UNIVERSAL SPORT FOR 2009 BATAVIA DOWNS LIVE HARNESS MEET**  
For entry into the minutes, on August 19, 2009, the New York State Racing and Wagering Board approved the July 15, 2009 request by Western Regional Off-Track Betting Corporation to conduct in-home simulcasting through its submitted contract with WGRZ-TV/Universal Sports Partnership.
122. **WESTERN REGIONAL OTB/BATAVIA DOWNS - REQUEST TO AMEND BETTING FORMAT**  
For entry into the minutes, on August 27, 2009, the New York State Racing and Wagering Board approved the August 21, 2009 Western OTB/Batavia Downs request to offer superfectas during each racing program and on all races with the exception of races one, two and seven, and to offer a “fifty cent” pick four wager with a one dollar minimum bet.
123. **WESTERN REGIONAL OTB/BATAVIA DOWNS - REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on August 27, 2009, the New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation and Batavia Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from The Delaware County Fair, Ohio from September 23, 2009 through September 24, 2009.
124. **YONKERS RACEWAY – REQUEST TO DISPLAY RACE REPLAYS ON THE HBNYS WEBSITE**  
For entry into the minutes, on August 5, 2009, the New York State Racing and Wagering Board approved the request of Yonkers Raceway to provide official race replays to the Harness Horse Breeders of New York through December 31, 2009 only for the specific purposes set forth in the agreement dated July 17, 2009.
125. **YONKERS RACEWAY – REQUEST TO AMEND EMPIRE CLUB CARD PROGRAM**  
For entry into the minutes, on August 27, 2009, the NYS Racing and Wagering Board approved the Yonkers Raceway request to conduct the Race Ticket Giveaway promotion on September 11 and September 25, 2009.

126. **YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on July 10, 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 FR Park Racing (Freehold Raceway), New Jersey through August 31, 2009.
127. For entry into the minutes, on July 10, 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 Northfield Park Associates, LLC, Ohio through December 31, 2009.
128. For entry into the minutes, on July 14, 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 Ellis Park, Kentucky through September 7, 2009.
129. For entry into the minutes, on July 14, 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 Colonial Downs L.P. (Thoroughbred Meet), Virginia through July 28, 2009.
130. For entry into the minutes, on July 22, 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 Del Mar Thoroughbred Club, California from July 22, 2009 through September 9, 2009.
131. For entry into the minutes, on August 4, 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 Timonium, Maryland through September 7, 2009 and Laurel Park, Maryland through August 23, 2009.
132. For entry into the minutes, on August 4, 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 Batavia Downs, New York through December 31, 2009.
133. For entry into the minutes, on August 13, 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 Hoosier Park (Thoroughbred Meet), Indiana through October 24, 2009.
134. For entry into the minutes, on August 13, 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 Indiana Downs (Harness Meet), Indiana through November 10, 2009.

135. For entry into the minutes, on August 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 Remington Park, Oklahoma from August 21 through December 13, 2009.
136. For entry into the minutes, on August 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 The Red Mile, Kentucky through October 10, 2009.
137. **YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**  
For entry into the minutes, on July 10, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway’s request to simulcast its harness racing programs for wagering purposes to Sam Houston Race Park, Texas (with two [2] secondary sites) through December 31, 2009.
138. For entry into the minutes, on August 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 Phumelela Gold International, Ltd., Douglas, Isle of Man through December 31, 2009.
139. For entry into the minutes, on August 19, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Sudbury Downs, Ontario, Canada (with nine [9] associated sites) through December 31, 2009.

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

1. **WESTERN REGIONAL OTB/BATAVIA DOWNS - CONTRACT FOR IN-HOUSE SIMULCASTING WITH TIME WARNER - ROCHESTER**  
For entry into the minutes, on July 23, 2009, the New York State Racing and Wagering Board approved the July 16, 2009 request by Western Regional Off-Track Betting Corporation to conduct in-home simulcasting through its submitted contract with Time Warner Entertainment Advance/ Newhouse Partnership d/b/a Time Warner Cable.
2. **WESTERN REGIONAL OTB/BATAVIA DOWNS - REQUEST TO REFLECT 12 RACES PER CARD EVENT**  
For entry into the minutes, on July 23, 2009, the New York State Racing and Wagering Board approved twelve (12) races for each program scheduled by Western OTB/Batavia Downs for the live racing season in the year 2009.
3. **IN THE MATTER OF PILTON A. CHANDLER – SUMMARY SUSPENSION**  
For entry into the minutes, on July 24, 2009, The New York State Racing and Wagering Board summarily suspended the harness groom’s license of Pilton A. Chandler.

4. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OPERATE MOBILE BRANCH AT VARIOUS SITES THROUGHOUT REGION**  
For entry into the minutes, on July 24, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation’s plan of operation authorizing the use of a mobile betting branch/unit as described in the June 16, 2009 application to the Board, as further detailed in subsequent communication, including July 23, 2009.
5. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR APPROVAL OF MOBILE BRANCH – TELETHEATER BRANCH JULY 24, 2009**  
For entry into the minutes, on July 24, 2009, the New York State Racing and Wagering Board approved the July 23, 2009 request of Capital District Regional Off-Track Betting Corporation to operate a Mobile Branch in the parking lot of the Teletheater at 711 Central Avenue, Albany, New York on July 24, 2009 from 5:00 PM to 10:00 PM.
6. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OPERATE MOBILE BRANCH AT CORNER OF SWAN ST. & WASHINGTON AVE. ON JULY 29, 2009**  
For entry into the minutes, on July 29, 2009, the New York State Racing and Wagering Board approved the July 28, 2009 request from Capital District Regional Off-Track Betting Corporation to operate a Mobile Branch near the corner of Swan Street and Washington Avenue in the City of Albany near the State Capital on July 29, 2009 from 11:00 AM to 5:00 PM pursuant to the mobile wagering plan of operation approved by the Board on July 24, 2009 and the operations summary provided for in Capital’s July 28, 2009 letter.
7. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OPERATE MOBILE BRANCH AT TELETHEATER AT 711 CENTRAL AVE., ALBANY ON AUGUST 18, 2009**  
For entry into the minutes, on August 17, 2009, the New York State Racing and Wagering Board approved the August 17, 2009 request of Capital District Regional Off-Track Betting Corporation to operate a Mobile Branch in the parking lot of the Teletheater at 711 Central Avenue, Albany, New York on August 18, 2009 from 11:00 AM to 11:00 PM.
8. **IN THE MATTER OF NORBERTO ARROYO, JR. – SUMMARY SUSPENSION**  
For entry into the minutes, on August 17, 2009, the New York State Racing and Wagering Board summarily suspended the thoroughbred racing license of Jockey Norberto Arroyo Jr.
9. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OPERATE MOBILE BRANCH AT TELETHEATER AT 711 CENTRAL AVE., ALBANY ON SPECIFIC DATES**  
For entry into the minutes, on August 20, 2009, the New York State Racing and Wagering Board approved the August 18, 2009 request of Capital District Regional Off-Track Betting Corporation to operate a Mobile Branch in the parking lot of the Teletheater at 711 Central Avenue, Albany, New York on August 21, 22, 23, 24, 25, 26, 29, 30, 31, 2009 and September 1, 2, 3, 4, 5, 6, 7, 2009 from 11:00 AM to 11:00 PM.

10. **WESTERN REGIONAL OTB/BATAVIA DOWNS - RACE DATES FOR SEPTEMBER AND OCTOBER 2009**

For entry into the minutes, on August 19, 2009, the New York State Racing and Wagering Board assigned to Western Regional OTB/Batavia Downs the race dates requested for the months of September and October, 2009 only.

11. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OPERATE MOBILE BRANCH AT CORNER OF SWAN ST. & WASHINGTON AVE. IN ALBANY ON AUGUST 27 & 28, 2009**

For entry into the minutes, on August 25, 2009, the New York State Racing and Wagering Board approved the August 18, 2009 request of Capital District Regional Off-Track Betting Corporation to operate a Mobile Branch near the corner of Swan Street and Washington Avenue in Albany New York near the New York State Capital and the Alfred E. Smith Building on August 27 and 28, 2009 between the hours of 11:00 am and 5:00 pm.

12. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OPERATE MOBILE BRANCH AT AIRBORNE SPEEDWAY – PLATTSBURGH**

For entry into the minutes, on August 31, 2009, the New York State Racing and Wagering Board approved the August 26, 2009 request of Capital District Regional Off-Track Betting Corporation to operate the Mobile Branch at the Airborne Speedway located at 70 Broderick Road in Plattsburgh, New York on September 12 and 13, 2009 between the hours of 11:00 am and 11:00 pm.

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

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

On September 22, 2009, the New York State Racing and Wagering Board granted the Yonkers Racing Corporation track and simulcast licenses for 2009.

The Board assigned the remainder of the 244 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 states 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.

The Board granted the application to waive the requirement of Rule 4118.1(b) concerning payment of purses within 72 hours.

The Board also authorized certification to the Commissioner of Taxation and Finance that for 2009 Yonkers Racing Corporation has been assigned the prescribed number of pari-mutuel programs and races to establish eligibility for the tax rates set forth in Section 318.1 of the Racing Law.

## **2. MONTICELLO RACEWAY – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS**

On September 22, 2009, the New York State Racing and Wagering Board assigned to Monticello Raceway the race dates requested for the months of October and November 2009 only.

## **3. BATAVIA DOWNS/WESTERN REGIONAL OTB – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS**

On September 22, 2009, the New York State Racing and Wagering Board granted the Western Regional Off-Track Betting Corporation – Batavia Downs track and simulcast licenses for 2009.

The Board assigned the remainder of the 72 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 states 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.

The New York State Racing and Wagering Board approved a certification to the Commissioner of Taxation and Finance that pursuant to Section 318(5)(b)(i) of the Racing, Pari-Mutuel Wagering and Breeding Law.

The Board found for the year 2009 that it would have been uneconomical or impractical for Batavia Downs to be assigned the prescribed number of racing dates, pursuant to Section 318(5)(b)(i). Therefore, such finding entitles Batavia Downs to be classified as if it did comply with such requirements.

**4. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CHANGE E-Z BET OWNERSHIP – PARTNER’S PUB – JOHNSTOWN**

On September 22, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional OTB plan of operation to reflect the new ownership for Partner’s Pub (Johnstown, NY) as an E-Z Bet facility. This approval is effective immediately.

**5. CATSKILL REGIONAL OTB – REQUEST TO RELOCATE 100 MAIN ST., NEW PALTZ BRANCH**

On September 22, 2009, the New York State Racing and Wagering Board approved amendments to the Catskill Regional Off-Track Betting Corporation's simulcast plan of operation to reflect the relocation of the branch at 100 Main Street in New Paltz and to authorize the operation of the relocated branch at 560 Route 299 in the Town of Lloyd, New York.



6. **SUFFOLK REGIONAL OTB – REQUEST FOR REBATE PROGRAM**

On September 22, 2009, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation's (SROTB) request, as specified and based on the terms and conditions set forth in the request dated March 26, 2009, to institute a Players Club Rewards Program (Program). Approval is conditioned on the following:

- The submission by SROTB of written reports to the Board concerning the Player Rewards program. These reports shall include, but need not be limited to, the number of participants in the program, details of the rewards by category level and participation, the cumulative rewards earned, the amount of rewards "re-wagered" and cumulatively for program participants, the amounts wagered by bet type by in-state races and out-of state races. Each report shall also contain analysis regarding the effect of the program on handle of SROTB, net effect on income from wagering and the costs incurred as a result of program operation. These reports must be filed within two weeks of the end of each calendar quarter.
- Board access to SROTB Player Rewards program information, including the names of program participants, and the right to audit SROTB shall obtain prior written consent of the host track prior to awarding rewards on such track..

7. **IN THE MATTER OF WILLIAM H. TURNER**

The New York State Racing and Wagering Board accepted the recommendation of designated Hearing Officer Russell H. Baller, Jr. concerning the appeal by thoroughbred trainer William H. Turner and upheld the disqualification of the two horses trained by him, MORPH, which competed in the 2<sup>nd</sup> race at Aqueduct Racetrack on February 17, 2005 and ITCHY, which competed in the 4<sup>th</sup> race at Aqueduct Racetrack on February 20, 2005 and the related purse redistributions based upon post-race positives for the drug fluphenazine.

8 **IN THE MATTER OF CARMINE FUSCO**

The New York State Racing and Wagering Board deferred determination of this matter. The Board provided the attorneys for the Board and Mr. Fusco with the period of two weeks from October 2, 2009 to stipulate to the nature and pharmacological properties of the referenced drugs as well as their use in the horse.

The attorneys will provide any such stipulation to the Board promptly at the end of that period or notify the Board that a stipulation has not been executed or equivalent agreement achieved. In the event no stipulation or the equivalent has been executed, a further hearing will be held promptly before the Board or its designee on this limited issue.

9. **IN THE MATTER OF PILTON CHANDLER**

The New York State Racing and Wagering Board upheld the recommendation of the designated Hearing Officer, Board Member, Daniel D. Hogan, and revoked the harness racing groom's license of Pilton Chandler and declared him ineligible to reapply unless he complies with the reasonable requests of Board officials and satisfactorily addresses his licensing issues.

10. **IN THE MATTER OF BILLIE JEAN COLEMAN**  
The New York State Racing and Wagering Board upheld the recommendation of the designated Hearing Officer, Board Member Daniel D. Hogan, that the refusal of a Harness racing mutuel clerk license application for Billie Jean Coleman be upheld based upon a false statement made on her license application and a lack of requisite experience, character and fitness.
11. **IN THE MATTER OF KEVIN R. COLSTON**  
The New York State Racing and Wagering Board affirmed the license refusal of harness racing owner-trainer-driver applicant Kevin Colston on the basis that his character and general fitness are such that his participation in harness racing would be inconsistent with the public interest, convenience and necessity and with the best interests of racing generally.

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

1. **INDIAN GAMING/LICENSING STATISTICS**  
Licensing statistics for June 1, 2009 through June 30, 2009. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.
2. **CAPITAL DISTRICT REGIONAL OTB – 2009 FIRST QUARTER RESULTS FOR PLAYER REWARDS**  
The reports were filed on April 28, 2009 and have been reviewed.
3. **INDIAN GAMING/LICENSING STATISTICS**  
Licensing statistics for July 1, 2009 through July 31, 2009. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.
4. **GAMES OF CHANCE/BELL JAR TICKETS**  
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between July 1, 2009 through July 31, 2009.
5. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**  
List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from July 7, 2009 through August 7, 2009.
6. **LICENSING/CURRENT LICENSE COUNT**  
The current racing licensing counts as of July 31, 2009 since January 1, 2009 were as follows: total receipts 10,825 and total licenses 7,235 for the year 2009.
7. **2009 LICENSED SUPPLIERS**  
List of licensed suppliers – manufacturers’ and distributors’ licenses issued for the time period of July 1, 2009 through July 31, 2009.

8. **NYRA – NOTICE OF INTENT TO IMPLEMENT COMPUTER SOFTWARE NOTIFICATION PROGRAM**  
Notification to the NYS Racing and Wagering Board of NYRA’s intent to implement a computer software program that will notify internal NYRA users of potential minus pool situations.
9. **GAMES OF CHANCE/BELL JAR TICKETS**  
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between August 1, 2009 through August 31, 2009.
10. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**  
List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from August 8, 2009 through September 2, 2009.
11. **LICENSING/CURRENT LICENSE COUNT**  
The current racing licensing counts as of August 31, 2009 since January 1, 2009 were as follows: total receipts 12,456 and total licenses 8,181 for the year 2009.
12. **2009 LICENSED SUPPLIERS**  
List of licensed suppliers – manufacturers’ and distributors’ licenses issued for the time period of August 1, 2009 through August 31, 2009.
13. **INDIAN GAMING/LICENSING STATISTICS**  
Licensing statistics for August 1, 2009 through August 31, 2009. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.
14. **FINGER LAKES RACETRACK – 2009 ANNUAL INSPECTION**  
For entry into the minutes, on July 14, 2009, the New York State Racing and Wagering Board conducted its annual inspection of Finger Lakes Racetrack in accordance with Section 237(a)(2)(b) of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.
15. **TIOGA DOWNS – 2009 ANNUAL INSPECTION**  
For entry into the minutes, on July 9, 2009, the New York State Racing and Wagering Board conducted its annual inspection of Tioga Downs in accordance with Section 319(2)(b) of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

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

None.

**The meeting adjourned at 1:34 p.m.**