



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF OCTOBER 23, 2008**

A meeting of the New York State Racing and Wagering Board was held on Thursday, October 23, 2008 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 11:07 a.m.

In Attendance Were:

John D. Sabini, Chairman
Daniel D. Hogan, Member
John B. Simoni, Member
John Cansdale, 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
Joseph Faraldo, SOA of NY
Thomas M. Kernan, Crane, Greene & Parente
Chris Duryea, Crane Sanders
Dan Wray, NYCOTB
Robert Hemsworth, Capital OTB
Steve Bochnak, NYS Assembly

OPEN COMMENT PERIOD:

Comments Began: 11:02 a.m.

Joseph Faraldo, President, SOA of NY commented on business at Yonkers Raceway. He stated that the VLTs help the economy, increase revenue and are beneficial to horsemen and farms in New York.

Comments Ended: 11:07 a.m.

A. The Board approved the minutes of the Board meeting held September 29, 2008.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. **BUFFALO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 26, 2008, 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 Keeneland Association Inc., Kentucky through October 25, 2008.
2. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER QUALIFYING PROMOTION TO CAPITAL BETS ACCOUNT HOLDERS**
For entry into the minutes, on September 18, 2008, the New York State Racing and Wagering Board approved the application by the Capital District Regional Off-Track Betting Corporation to conduct the specified Breeders’ Cup promotion from September 15 through October 15, 2008 with Capital Bets account holders.
3. **CAPITAL DISTRICT REGIONAL OTB – OCTOBER 2008 PROMOTIONS**
For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved the September 18, 2008 application by the Capital District Regional Off-Track Betting Corporation to conduct various specified promotions during October 2008.
4. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER “WINNER’S CIRCLE” PROMOTION**
For entry into the minutes, on September 29, 2008, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation authorizing the conduct of a promotion from October 1 through October 25, 2008 to procure new members to Capital OTB’s “Winners Circle” club.
5. **CATSKILL REGIONAL OTB – FREE PROGRAMS FOR 2008 BREEDERS’ CUP WORLD CHAMPIONSHIP**
For entry into the minutes, on September 24, 2008, the NYS Racing and Wagering Board approved the Catskill Regional Off-Track Betting Corporation request to offer

a special “free program” promotion for the 25th running of the Breeders’ Cup World Championships at Oak Tree at Santa Anita Park on October 24 & 25, 2008.

6. **CATSKILL REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**

For entry into the minutes, on October 7, 2008, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Catskill Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races during the remainder of 2008 from:

1. Batavia Downs, New York
2. Saratoga Harness, New York.

7. **FINGER LAKES RACETRACK – REQUEST TO CHANGE FIRST RACE POST-TIME ON BREEDERS’ CUP DAY**

For entry into the minutes, on September 29, 2008, the NYS Racing and Wagering Board approved the Finger Lakes Racetrack request to begin their program of racing on Saturday, October 28, 2008 (Breeders’ Cup Day) at noon.

8. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**

For entry into the minutes, on September 18, 2008, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Santa Anita Park (Oak Tree Racing Association), California from September 24 through October 26, 2008.

9. For entry into the minutes, on September 18, 2008, 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 Keeneland Association Inc., Kentucky from October 3 through October 25, 2008.

10. For entry into the minutes, on October 2, 2008, 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 NJSEA (Meadowlands Fall Thoroughbred Meet), New Jersey through November 15, 2008.

11. For entry into the minutes, on October 2, 2008, 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 TP Racing L.L.L.P. d.b.a. Turf Paradise, Arizona from October 3 through December 31, 2008.

12. For entry into the minutes, on October 3, 2008, 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 Hoosier Park (Thoroughbred meet), Indiana on October 4, 2008.

13. **FINGER LAKES RACETRACK – REQUEST TO EXPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 18, 2008, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs to Hipodromo Camarero and the specified off-track betting sites for the remainder of 2008 for separate pool wagering only.
14. For entry into the minutes, on October 7, 2008, the New York State Racing and Wagering Board approved the simulcast for wagering purposes of thoroughbred races conducted at Finger Lakes Racetrack to ODS Technologies, L.P. d/b/a TVG Network through December 31, 2008.
15. **MONTICELLO RACEWAY – REQUEST TO ADD FIVE RACE DATES IN DECEMBER 2008**
For entry into the minutes, on September 26, 2008, the New York State Racing and Wagering Board approved five additional dates of live racing at the end of December 2008 for Monticello Raceway. The dates are December 19, 20, 21, 26 and 27, 2008. The first race post time for each of these added days will be 12:40 p.m.
16. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 18, 2008, 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 Dover Downs, Inc., Delaware from October 26 through December 31, 2008.
17. For entry into the minutes, on September 18, 2008, 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 Keeneland Association Inc., Kentucky from October 3 through October 25, 2008.
18. For entry into the minutes, on September 23, 2008, 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 Northville Racing Corporation, Michigan from October 3 through December 13, 2008.
19. For entry into the minutes, on September 23, 2008, 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 Santa Anita Park (Oak Tree Racing Association), California from September 24 through October 26, 2008.

20. **MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 18, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to amend its previously approved export contract with the following to include wagering on such races as part of the player reward program of each entity:
1. Am West Entertainment, LLC
 2. Hazel Park, Michigan
 3. The Lodge at Belmont, New Hampshire
 4. Delaware Racing Association, Delaware
 5. Sunland Park Racetrack & Casino, New Mexico
 6. The Red Mile, Kentucky
 7. NJSEA (Meadowlands/Monmouth with two [2] secondary sites)
 8. Indiana Downs, Indiana with two [2] secondary sites
 9. Plainridge Racecourse, Massachusetts
 10. Lewiston Raceway, Inc. with three [3] secondary sites: Dover Downs; Newport Grand Jai Alai and Royal River Racing.
21. **NASSAU REGIONAL OTB – REQUEST TO CONDUCT LAPTOP COMPUTER DRAWING**
For entry into the minutes, on September 28, 2008, the New York State Racing and Wagering Board approved the request of the Nassau Regional Off-Track Betting Corporation to conduct a “Laptop Computer Giveaway” on December 3, 2008.
22. **NASSAU REGIONAL OTB – REQUEST TO OFFER FRANKLIN SQUARE PROMOTION ON HAWTHORNE RACECOURSE**
For entry into the minutes, on September 26, 2008, the New York State Racing and Wagering Board approved the request of Nassau Regional Off-Track Betting Corporation to conduct the “Hawthorne Customer Appreciation” promotion at the Franklin Square branch on Saturday, October 4, 2008.
23. **NEW YORK CITY OTB – 2008 BREEDERS’ CUP PROMOTION OTB BONUS BUCKS**
For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved the New York City Off Track Betting Corporation request dated September 18, 2008 to amend its plan of operation to conduct the OTB Bonus Bucks promotion in connection with the 2008 running of the Breeders’ Cup Championship Races.
24. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 18, 2008, 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 (Thoroughbred meet), Indiana through November 23, 2008.

25. For entry into the minutes, on September 23, 2008, 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 Zia Park, New Mexico through December 9, 2008.
26. For entry into the minutes, on September 25, 2008, 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 Dover Downs, Delaware through December 31, 2008.
27. For entry into the minutes, on September 25, 2008, 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 Inc., Kentucky through October 25, 2008.
28. For entry into the minutes, on September 26, 2008, 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 Golden Gate Fields, California through December 22, 2008.
29. For entry into the minutes, on September 26, 2008, 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 Santa Anita Park (Oak Tree Racing Association), California through October 26, 2008.
30. For entry into the minutes, on October 3, 2008, 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 Lone Star Park (Quarter Horse Meet), Texas through November 29, 2008.
31. For entry into the minutes, on October 7, 2008, 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 Portland Meadows, Oregon through December 31, 2008.
32. **NYRA – REQUEST TO OFFER SUPERFECTA WAGERING**
For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to allow superfecta wagering on the following Saturday, September 27, 2008 races provided that each race has a field made up of at least **seven** betting interests:

The Jockey Club Gold Cup Invitational
The Beldame Stakes
The Vosburgh Stakes
The Joe Hirsch Turf Classic Invitational
The Flower Bowl Invitational.

These five graded stakes races must have *seven* or more separate betting interests that start in order to conduct superfecta wagering.

33. **NYRA - GIVE IT 110% - OCTOBER 2008 PROMOTION**
For entry into the minutes, on September 25, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to conduct a "Give It 110%" - October promotion for NYRA Rewards account holders.
34. **NYRA - REQUEST TO OFFER \$400,000 GUARANTEED "ALL STAKES" PICK FOUR WAGERING POOL**
For entry into the minutes, on October 3, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to offer a \$400,000 guaranteed "All Stakes" Pick Four wagering pool on New York Showcase Day at Belmont Park on Saturday, October 18, 2008 on races seven through ten.
35. **NYRA - REQUEST TO OFFER SHOWCASE DAY PROMOTION**
For entry into the minutes, on October 7, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request for a New York Showcase Day promotion on October 18, 2008. NYRA Rewards account holders would receive double NYRA Rewards points for wagers placed on NYRA races on this one day.
36. **NYRA - REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 23, 2008, the New York State Racing and Wagering Board approved an amendment to The New York Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Keeneland Association Inc., Kentucky from October 3 through October 25, 2008.
37. For entry into the minutes, on September 23, 2008, the New York State Racing and Wagering Board approved an amendment to The New York Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Santa Anita Park (Oak Tree Racing Association), California from September 24 through October 26, 2008.
38. For entry into the minutes, on October 2, 2008, the New York State Racing and Wagering Board approved an amendment to The New York Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from NJSEA (Meadowlands Fall Thoroughbred Meet), New Jersey from September 30, through November 15, 2008.

39. For entry into the minutes, on October 3, 2008, the New York State Racing and Wagering Board approved an amendment to The New York Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from TP Racing L.L.P. d.b.a. Turf Paradise, Arizona through December 31, 2008.
40. For entry into the minutes, on October 3, 2008, the New York State Racing and Wagering Board approved an amendment to The New York Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Portland Meadows, Oregon from October 5 through December 31, 2008.
41. For entry into the minutes, on October 3, 2008, the New York State Racing and Wagering Board approved an amendment to The New York Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Longchamp Racecourse, France (Prix de l'Arc de Triomphe) from October 5 through October 8, 2008. This approval is limited to advance wagering on Saturday, October 4 and Telebet wagering only on Sunday, October 5, 2008.
42. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 18, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to amend its previously approved simulcast export contracts to reflect the specified change of takeout rates effective September 15, 2008 on live NYRA racing with the following entities, including any approved secondary or associated sites:
 1. Retama Development Corporation
 2. Turf Paradise
 3. Sports Creek Raceway
 4. Horsemen's Park/Horsemen's Atokad
 5. Nebraska State Fair Park
 6. Sunland Park Racetrack & Casino
 7. Zia Park
 8. Northfield Park
 9. River Downs Jockey Club
 10. Sam Houston Race Park
 11. Texas Hub
 12. Emerald Downs
 13. Mid Atlantic Member Tracks (Philadelphia Park/AC Racecourse, Penn National/Charles Town, Pocono Downs, Delaware Park, Ocean Downs, Colonial Downs, NJSEA, Freehold Raceway, Dover Downs, Harrington Raceway, Rosecroft Raceway, Rockingham Park & Suffolk Downs)
 14. Wheeling Island Racetrack
 15. Harrah's Bossier City Investment Co., LLC
 16. Scioto Downs Inc.

17. Mountaineer Park
 18. North Metro Harness Initiative LLC d/b/a Running Aces
 19. Mount Pleasant Meadows
 20. AC Casinos
 21. Azalea City Racing Club, Inc.
 22. Greenetrack Inc.
 23. Arapahoe Park
 24. Les Bois Park
 25. Indiana Downs
 26. Dubuque Greyhound Park & Casino
 27. Evangeline Downs
 28. Lewiston Raceways, Inc.
 29. Plainridge Race Course
 30. Canterbury Park
 31. Hinsdale Greyhound Park
 32. The Lodge at Belmont
 33. LVDC-Non Nevada
 34. Lien Games Racing
 35. Will Rogers Downs
 36. Presque Isle Downs Inc.
 37. US Off-Track, LLC
 38. Am West Entertainment, LLC
 39. Southland Park Gaming & Racing
 40. Prairie Meadows
 41. Bangor Raceway
 42. Scarborough Downs
 43. Jackson Trotting Association LLC
 44. Raceway Park
 45. Tri State
 46. Dairyland Greyhound Park
 47. Wyoming OTB.
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43. For entry into the minutes, on September 23, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Oak Tree Racing Association (with thirty three [33] secondary sites), California through October 26, 2008.
 44. For entry into the minutes, on September 25, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to amend its previously approved simulcast export contract to reflect the specified change in takeout rates on live NYRA racing with Nevada Pari-Mutuel Association (with eighty four [84] secondary sites), Nevada.

45. For entry into the minutes, on September 25, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Hawthorne Race Course (with thirty five [35] secondary sites), Illinois through the end of the Aqueduct Fall Meet.
46. For entry into the minutes, on September 25, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to amend its previously approved simulcast export contracts to reflect the specified change in takeout rates on live NYRA racing with the following entities, effective September 15, 2008, including any approved secondary or associated sites:
 1. Turfway Park, Kentucky
 2. Columbus Races, Nebraska
 3. Fonner Park, Nebraska
 4. Sun Ray Park, New Mexico
 5. Ruidoso Downs, New Mexico
 6. The Downs at Albuquerque, New Mexico
 7. Harrah's Chester Casino & Racetrack, Pennsylvania
 8. The Racing Channel, Pennsylvania.
47. For entry into the minutes, on September 26, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to amend its previously approved simulcast export contracts to reflect the specified change in takeout rates on live NYRA racing with the following Canadian tracks/entities, including any approved secondary or associated sites:
 1. Picov Downs (Ajax Downs), Ontario
 2. Assinobia Downs, Manitoba
 3. Attractions Hippiques, Ontario
 4. Grand River, Ontario
 5. Clinton Raceway, Ontario
 6. Hanover Raceway, Ontario
 7. Evergreen Park, Alberta
 8. Flamboro Downs, Ontario
 9. Fort Erie Racetrack, Ontario
 10. Georgian Downs, Ontario
 11. Harness Racing PEI, Prince Edward Island
 12. Hiawatha Horse Park, Ontario
 13. Kawartha Downs, Ontario
 14. Marquis Downs, Saskatchewan
 15. Western Fair, Ontario
 16. Woodbine Entertainment Group, Ontario
 17. Windsor Raceway, Ontario.

48. For entry into the minutes, on October 3, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Keeneland Race Course (with thirteen [13] secondary sites), Kentucky through October 25, 2008.
49. For entry into the minutes, on October 7, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to amend its previously approved simulcast export contracts to reflect the specified change in takeout rates on live NYRA racing with the following entities, effective September 15, 2008, including any approved secondary or associated sites:
 1. Truro Raceway, Nova Scotia
 2. Rocky Mountain Turf Club, Alberta
 3. Fraser, Hastings, Sandown and TBC Teletheaters, British Columbia
 4. Northlands Park, Alberta.
50. For entry into the minutes, on October 7, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to amend its previously approved simulcast export contracts to reflect the specified change in takeout rates on live NYRA racing with the following entities, effective September 15, 2008, including any approved secondary or associated sites:
 1. Birmingham Race Course, Alabama
 2. Blue Ribbon Downs, Oklahoma
 3. Hazel Park, Michigan
 4. Youbet.com, Inc., California.
51. **SUFFOLK REGIONAL OTB – REQUEST TO OFFER TANGER OUTLET COUPON BOOK PROMOTION**

For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation request to conduct a promotion during all of 2009 to promote their new Grand Boulevard branch located in Deer Park, N.Y.
52. **SUFFOLK REGIONAL OTB – PROMOTION WITH NYS LOTTERY AT AIRPORT BRANCH**

For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation request to conduct a Suffolk Regional Off-Track Betting - New York State Lottery promotion at Suffolk OTB’s Airport Branch on Wednesday, October 29, 2008.

53. **SUFFOLK REGIONAL OTB – REQUEST TO OFFER TWO PROMOTIONS FOR AQUEDUCT RACING SEASON**
For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation requests to conduct two promotions during the period from October 29 through November 2, 2008 in relation to the Aqueduct Racetrack opening month.
54. **TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 18, 2008, 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 Keeneland Association Inc., Kentucky from October 3 through October 25, 2008.
55. For entry into the minutes, on September 22, 2008, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Golden Gate Fields, California through December 22, 2008.
56. For entry into the minutes, on September 22, 2008, 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. Colonial Downs L.P. (Harness meet), Virginia through November 5, 2008
 2. Kentucky Downs, LLC, Kentucky from through September 23, 2008.
57. For entry into the minutes, on September 23, 2008, 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 Santa Anita Park (Oak Tree Racing Association), California from September 24 through October 26, 2008.
58. **VERNON DOWNS – REQUEST TO CHANGE FIRST RACE POST-TIME TO 7:15 PM ON OCTOBER 25, 2008**
For entry into the minutes, on October 7, 2008, the NYS Racing and Wagering Board approved the American Racing-Vernon Downs, Inc. request to change the first race post-time for the races scheduled on Breeders' Cup Day, Saturday, October 25, 2008 to 7:15 pm.
59. **VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 18, 2008, 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 Keeneland Association Inc., Kentucky from October 3 through October 25, 2008.

60. For entry into the minutes, on September 22, 2008, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Golden Gate Fields, California through December 22, 2008.
61. For entry into the minutes, on September 22, 2008, 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. Colonial Downs L.P. (Harness meet), Virginia through November 5, 2008
 2. Kentucky Downs, LLC, Kentucky from through September 23, 2008.
62. For entry into the minutes, on September 23, 2008, 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 Santa Anita Park (Oak Tree Racing Association), California from September 24 through October 26, 2008.
63. **WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO CONDUCT “PIGSKIN PROGNOSTICATORS” CONTEST**

For entry into the minutes, on October 3, 2008, the Board approved the Western Regional OTB request to offer a ten (\$10.00) dollar wagering voucher to the customers correctly predicting the winner AND the score of the game of the week involving the Buffalo Bills, the New York Giants or the New York Jets.
64. **WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST FOR VARIOUS OTB PROMOTIONS**

For entry into the minutes, on October 3, 2008, the Board approved the Western Regional OTB request to conduct the promotions specified in the September 29, 2008 application to the Board, as supplemented on October 3, 2008.
65. **BATAVIA DOWNS/WESTERN REGIONAL OTB – REQUEST TO EXPORT VARIOUS LOCATIONS IN 2008**

For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation/ Batavia Downs request to simulcast its standardbred racing programs conducted at Batavia Downs to the following tracks for the remainder of 2008:

 1. Buffalo Trotting Association, New York
 2. Monticello Raceway Management, Inc., New York
 3. Saratoga Harness Racing Inc., New York
 4. Tioga Downs, New York.

66. For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation/ Batavia Downs request to simulcast its standardbred racing programs conducted at Batavia Downs to the following tracks for the remainder of 2008:
 1. Vernon Downs, New York
 2. Yonkers Raceway, New York
 3. Finger Lakes Racing Association, Inc., New York.

67. For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation/ Batavia Downs request to simulcast its standardbred racing programs conducted at Batavia Downs to the following tracks for the remainder of 2008:
 1. Colonial Downs, Virginia
 2. Day at The Track, California
 3. Freehold Raceway, New Jersey
 4. Lewiston Raceways, Inc. (Harrington Raceway/Dover Downs), Maine.

68. For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation/ Batavia Downs request to simulcast its standardbred racing programs conducted at Batavia Downs to the following tracks for the remainder of 2008:
 1. Hazel Park, Michigan
 2. The Meadows, Pennsylvania
 3. Northfield Park, Ohio
 4. Northville Racing Corporation, Michigan.

69. For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation/ Batavia Downs request to simulcast its standardbred racing programs conducted at Batavia Downs to the following tracks for the remainder of 2008:
 1. Ocean Downs LLC, Maryland
 2. Plainridge Racecourse, Massachusetts
 3. The Downs Racing, Inc. (Pocono Downs), Pennsylvania
 4. The Red Mile, Kentucky.

70. For entry into the minutes, on September 24, 2008, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation/ Batavia Downs request to simulcast its standardbred racing programs conducted at Batavia Downs to the following tracks for the remainder of 2008:
 1. Rockingham Park, New Hampshire
 2. My Way Holdings, LLC d/b/a Sunland Park Racetrack & Casino, New Mexico.

71. **YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 18, 2008, 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 Northville Racing Corporation, Michigan from October 3 through December 13, 2008.
72. For entry into the minutes, on September 18, 2008, 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 Prairie Meadows (Harness meet), Iowa from September 27 through October 25, 2008.
73. For entry into the minutes, on September 23, 2008, 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 Keeneland Association Inc., Kentucky from October 3 through October 25, 2008.
74. For entry into the minutes, on September 23, 2008, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
1. Zia Park Race Track and Black Casino, New Mexico through December 9, 2008
 2. Dover Downs, Inc., Delaware for the remainder of 2008.
75. For entry into the minutes, on September 23, 2008, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Golden Gate Fields, California through December 21, 2008.
76. For entry into the minutes, on October 2, 2008, 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 Santa Anita Park (Oak Tree Racing Association), California through October 26, 2008.
77. For entry into the minutes, on October 3, 2008, 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 TP Racing L.L.P. d.b.a. Turf Paradise, Arizona through December 31, 2008.
78. **YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 18, 2008, the New York State Racing and Wagering Board approved Yonkers Raceway’s request to simulcast its standardbred racing programs for wagering purposes to Northville Downs, Michigan through December 31, 2008.

79. For entry into the minutes, on October 3, 2008, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its standardbred racing programs for wagering purposes to Las Vegas Dissemination Company solely for purposes of simulcast wagering at Elite Turf Club N.V., for the remainder of 2008.

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

1. **BATAVIA DOWNS/WESTERN REGIONAL OTB – REQUEST DESIGNATION OF SPECIAL POLICEMEN**

For entry into the minutes, on September 26, 2008, pursuant to Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board granted the Western Regional Off-Track Betting Corporation request for the appointment of two individuals submitted as special policemen within and around the grounds of Batavia Downs.

The two (2) individuals approved are:

Gregory B. Donnelly
Eric E. Lyday.

2. **IN THE MATTER OF NOEL ITARA**

The thoroughbred racing groom and general services employee license of Noel Itara was summarily suspended by the Board on October 1, 2008, based upon a finding that the public safety and welfare required this emergency action in relation to a positive test results for cocaine, in violation of Board Rule 4042.5 and Consent to Conditions for Reinstatement.

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

1. **NEW YORK CITY OTB – SIMULCAST LICENSE APPLICATION FOR 2008**

The New York State Racing and Wagering Board deferred action on New York City Off-Track Betting Corporation's 2008 simulcast license application pending review of the information sought in the July 10, 2008 letter from Thomas V. Casaregola to Ira H. Block.

NYC OTB will remain operational on the continuing rights of the 2005 simulcast license. Such rights are conditioned upon 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, including, submission to the Board of fire inspection reports on an ongoing basis and the filing with the Board no later than October 31, 2008 of an SAS-70 Type II audit for the current licensing period on the totalizator operations utilized and located at your facility.

2. **NYRA – WAGERING FORMAT TO BE OFFERED AT AQUEDUCT RACETRACK**

The New York State Racing and Wagering Board approved the request of The New York Racing Association, Inc. for the conduct of wagering on races conducted at Aqueduct Racetrack from October 29 through December 31, 2008 as set forth in the October 6, 2008 request, except as follows:

- Superfecta wagering is permissible only with eight (8) betting interests; Superfecta wagering may not continue with seven (7) betting interests in the event of a scratch between the paddock and loading the horses into the starting gate
- Exceptions for the required number of superfecta wagering interests will be considered by the Board on a case by case basis on application by NYRA
- Advance wagering for Grade I stakes and international simulcast equivalents is limited to the circumstances set forth in the October 16 and 17, 2008 correspondence between Board staff and NYRA staff; NYRA is required to provide notice to the Board of advance wagering events prior to the conduct of advance wagering
- No generic authorization is granted for the 60 Minute Six; these are subject to consideration of individual applications for such wagering.

The approval for superfecta wagering was revised on October 30, 2008 to read:

On October 23, 2008, the New York State Racing and Wagering Board approved the request of The New York Racing Association, Inc. for the conduct of wagering on races conducted at Aqueduct Racetrack from October 29 through December 31, 2008 as set forth in the October 6, 2008 request. This approval has been revised to reflect the following change in the 1st bullet point.

- Superfecta wagering is permissible only with eight (8) betting interests; however, superfecta wagering may continue with seven (7) betting interests in the event of a scratch between the paddock and loading the horses into the starting gate.

3. **NEW YORK CITY OTB ON BEHALF OF THE OTHER NEW YORK STATE OTBS – REQUEST FOR FILING EXTENSION OF UNIFORM QUARTERLY REPORTS**

The New York State Racing and Wagering Board approved a 30-day extension for filing the 2008 third and fourth quarter uniform quarterly reports and the 2009 first, second, third, and fourth quarter uniform quarterly reports. The Board denied the request for a 75-day extension to submit the fourth quarter uniform quarterly reports for 2008 and 2009.

The Board's approval is limited to the remainder of year 2008, and year 2009. Any request for an extension of time to file a quarterly report beyond 2009 must be submitted in a timely manner.

4. **BUFFALO RACEWAY – REQUEST TO WITHDRAW \$24,412.69 FROM CIF**
 The New York State Racing and Wagering Board approved the Buffalo Trotting Association request to withdraw a total of \$24,412.69 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

Backstretch (100%)

Barn Removal - Clear demolition material, remove fill	\$ 15,000.00
Race Office Relocation, Judges Relocation	<u>9,412.69</u>
Total Backstretch	24,412.69

Total Approved \$ 24,412.69.

5. **FINGER LAKES RACTRACK – REQUEST TO WITHDRAW \$166,980.65 FROM CIF**
 The New York State Racing and Wagering Board approved the Finger Lakes Race Track request to withdraw a total of \$166,980.65 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

Backstretch (83%)

New Overhead Door – Maintenance Building	\$ 1,400.00
Rebuild Exterior Barn 14	43,390.66
Re-coat Horse Pool Surface	5,880.00
Security Patrol Vehicle – '98 Dodge Dakota	3,529.34
New Roof on State Test Barn	11,241.50
Loader – Racetrack Maintenance Equipment	<u>72,460.59</u>
Total Backstretch	<u>\$ 137,902.09</u>

Other (17%)

Install new Production Switcher - CCTV	<u>\$ 29,078.56</u>
Total Other	<u>\$ 29,078.56</u>

Total Approved \$ 166,980.65.

This approval was conditioned upon the satisfactory results of a forthcoming physical inspection.

6. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER ONE-MONTH MEMBERSHIP TO WINNERS' CIRCLE**

The New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation's request dated September 25, 2008, to amend its internal controls for the Winner's Circle Club in relation to qualifying parameters for membership. The approval is conditioned on the following:

1. Capital OTB shall notify the Board within 10 days of any changes to qualifying membership parameters,
2. Capital OTB shall notify the Board within 10 days of any changes to complimentary and/or other benefits eligible to be received by members,

3. Capital OTB shall seek prior approval of all marketing and promotional activities,
 4. Capital OTB shall submit the internal controls reflecting all changes with such notifications,
 5. The Board reserves the right to modify, approve or deny all such changes.
 6. All other aspects of the program are to be conducted pursuant to the Board's May 29, 2008 approval.
7. **PROPOSED RULEMAKING – OTB REPORTS AND RECORDS**
 The New York State Racing and Wagering Board approved a proposal to amend sections 5208.1, 5208.2, 5208.3, 5208.4, 5208.5, 5208.6 and 5208.7 of 9 New York Codes, Rules and Regulations. These rules would incorporate *Governmental Auditing Standards* into the Board's rules and regulations for off-track betting corporations. These proposals will be submitted for Executive Order #20 review.
8. **IN THE MATTER OF GREGORY C. DECKER**
 The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the sixty (60) day license suspension and \$1,000 fine imposed on harness trainer Gregory C. Decker due to an excessive level of TCO2 in the horse GOSH BY GOLLY, which competed in the seventh race at Monticello Raceway on April 8, 2008, be sustained, subject to the terms and conditions of a stipulation between the parties.
9. **IN THE MATTER OF SILVESTRE BERNABE FILIPE/BERNABE SILVESTRE**
 The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Russell H. Baller, Jr. that the thoroughbred racing groom license of Silvestre Bernabe Felipe be revoked based on criminal matters.
10. **CERTIFICATE OF INCORPORATION – CONCORD EMPIRE RACEWAY CORP.**
 The New York State Racing and Wagering Board approved and indorsed the proposed Certificate of Incorporation of Concord Empire Raceway Corp., thus permitting its filing with the New York State Department of State as a harness racing corporation.
11. **CONCORD EMPIRE RACEWAY – REQUEST FOR APPROVAL OF PLANS FOR NEW RACETRACK & FACILITIES**
 Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 322, the New York State Racing and Wagering Board approved the issuance of permits for the foundations of both the maintenance building and the paddock for a new racetrack on the site of the former Concord Resort in the Town of Thompson, State of New York, in accordance with and subject to municipal building permits and plans submitted to the Board as well as all applicable laws and rules.

12. NOTICE OF ADOPTION – HARNESS CLAIMING RULE

The New York State Racing and Wagering Board adopted amendments to subdivisions (a), (b), (d), (e) and (p) of section 4109.3 of 9 New York Codes, Rules and Regulations.

The rule will be effective on the date it is published in the *State Register*.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. INDIAN GAMING/LICENSING STATISTICS

Licensing statistics for September 1, 2008 through September 30, 2008. 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 September 1, 2008 through September 30, 2008.

3. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from September 12, 2008 through October 7, 2008.

4. LICENSING/CURRENT LICENSE COUNT

The current racing licensing counts as of September 30, 2008, since January 1, 2008 was as follows: total receipts 13,893 and total licenses 10,622 for the year 2008.

5. 2008 LICENSED SUPPLIERS

List of licensed suppliers – manufacturers’ and distributors’ licenses issued for the time period of September 1, 2008 through September 30, 2008.

6. NYRA – INTENTION TO CONDUCT THE 2008-2009 AQUEDUCT WINTER MEET

The New York State Racing and Wagering Board acknowledged receipt of the October 6, 2008 letter on behalf of The New York Racing Association, Inc. which stated its intention to conduct a race meeting at Aqueduct Racetrack during the months of December 2008 and January through April 2009.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

The meeting adjourned at 12:13 a.m.