



**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF SEPTEMBER 29, 2008**

**A meeting of the New York State Racing and Wagering Board was held on Friday, September 29, 2008 at 9:30 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 9:45 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  
Bill Sekellick, NYSR&WB  
Mary Paratore, Capital OTB  
Steve Bochnak, NYS Assembly  
Pasquale Viscusi, NYRA  
Gerald Jennings, Wilson Elser

**OPEN COMMENT PERIOD:**

Comments Began: 9:44 a.m.

Pasquale Viscusi of NYRA clarified that the request for approval of Item #4D, *The New York Racing Association, Inc. - Amendment to Internet and Account Wagering to Allow Funding & Withdrawal via Mobile Account Wagering System*, was intended to include both the internet and mobile account wagering.

A. The Board approved the minutes of the Board meetings held August 28, 2008 and September 12, 2008 (2 meetings).

**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 August 28, 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 NJSEA (Monmouth), New Jersey for the remainder of 2008.
2. For entry into the minutes, on September 11, 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 Turfway Park LLC, Kentucky through October 2, 2008.
3. **CAPITAL DISTRICT REGIONAL OTB - REQUEST TO CLOSE TEX-MEX RESTAURANT OTB BRANCH**  
For entry into the minutes, on August 18, 2008, the NYS Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation plan of operation to reflect the closure of the E-Z Bet simulcast facility within the Amigo's Tex-Mex Restaurant. This approval was effective as of close of business on September 14, 2008.
4. **CAPITAL DISTRICT REGIONAL OTB - REQUEST FOR SEPTEMBER 2008 EVENTS/PROMOTIONS**  
For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board approved the August 25 application by the Capital District Regional Off-Track Betting Corporation to conduct the specified September 2008 promotions.
5. **CAPITAL DISTRICT REGIONAL OTB - REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast

for wagering purposes of races from Kentucky Downs, LLC, Kentucky from September 13 through September 23, 2008.

6. **FINGER LAKES RACETRACK – REQUEST FOR 12:35 PM FRIDAY POST-TIMES THROUGH END OF OCTOBER**  
For entry into the minutes, on August 20, 2008, the NYS Racing and Wagering Board approved the Finger Lakes Racetrack request to conduct racing beginning with a 12:35 p.m. post-time (rather than 1:20 pm) on Fridays from September 5 through October 31, 2008.
7. **FINGER LAKES RACETRACK – REQUEST TO HOLD \$20,000 CHARITY CUP**  
For entry into the minutes, on August 21, 2008, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to conduct the \$20,000 Finger Lakes “Charity Cup” on Saturday, October 4, 2008.
8. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 28, 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 Laurel Park, Maryland from September 4 through December 31, 2008.
9. For entry into the minutes, on August 28, 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 Turfway Park, (2008 Fall Meet ONLY) Kentucky.
10. **FINGER LAKES RACETRACK – REQUEST TO EXPORT VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 20, 2008, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs to Northville Racing Corporation, Michigan for the remainder of 2008.
11. For entry into the minutes, on September 5, 2008, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs to Turfway Park, LLC (with four [4] secondary sites), Kentucky for the remainder of 2008.
12. **MONTICELLO RACEWAY – REQUEST TO ADD RACE DATES**  
For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway request to conduct pari-mutuel harness racing on the Fridays of October 3, 10, 17, 24 and 31, 2008 with a 1:10 p.m. first post-time on each date.

13. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**

For entry into the minutes, on August 28, 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 Kentucky Downs, LLC, Kentucky from September 13 through September 23, 2008.

14. For entry into the minutes, on August 28, 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 Turfway Park LLC (Fall meet ONLY), Kentucky.

15. For entry into the minutes, on August 28, 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 Hoosier Park (Thoroughbred meet), Indiana from August 29 through November 23, 2008.

16. For entry into the minutes, on September 5, 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 Colonial Downs L.P. (Harness meet), Virginia through November 5, 2008.

17. **MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008**

For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt. request to amend its previously approved export contract with PPI, Inc. d/b/a/ Pompano Park, Florida to include wagering on such races as part of the player reward program, as well as the seven (7) specified secondary sites.

18. For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt. request to amend its previously approved export contract with Rockingham Park, New Hampshire, to include wagering on such races as part of the player reward program, as well as the two (2) specified secondary sites.

19. For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt. request to amend its previously approved export contract with Penn National Gaming, Pennsylvania to include wagering on such races as part of the player reward program, as well as three (3) specified secondary sites.

20. For entry into the minutes, on September 5, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its standardbred racing programs for wagering purposes for the year 2008 to Racing 2 Day, LLC, Florida.
21. **NASSAU REGIONAL OTB – REQUEST TO OFFER HALFWAY TO ST. PATRICK’S DAY PROMOTION**  
For entry into the minutes, on August 18, 2008, the NYS Racing and Wagering Board approved an amendment to the Nassau OTB simulcast plan of operation authorizing the conduct of the Nassau OTB Potter’s Pub promotion using a mailing of coupons for a two dollar voucher to be redeemed at the Potter’s Pub from September 7 through September 20, 2008 only.
22. **NASSAU REGIONAL OTB – REQUEST TO CONDUCT DOUBLE YOUR BUCKS PROMOTION**  
For entry into the minutes, on August 19, 2008, the NYS Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request to conduct the “Double Your Bucks” promotion on August 25 and 26, September 5 and 20, October 3 and 24, and November 1, 2008 at Capital One Theater in Westbury, NY.
23. **NASSAU REGIONAL OTB – REQUEST TO OFFER TRIPLE 100 PROMOTION**  
For entry into the minutes, on August 19, 2008, the New York State Racing and Wagering Board approved the request from the Nassau Regional Off-Track Betting Corporation to conduct the “Triple 100” account promotion from September 5 through October 24, 2008.
24. **NASSAU REGIONAL OTB – REQUEST TO OFFER VIVA LAS VEGAS FALL HANDICAPPING CONTEST**  
For entry into the minutes, on August 29, 2008, the NYS Racing and Wagering Board approved the request from the Nassau Regional Off-Track Betting Corporation to conduct the Nassau OTB Viva Las Vegas Handicapping Contest from September 17 through October 18, 2008.
25. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 21, 2008, the New York State Racing and Wagering Board approved an amendment to the plans of operation of New York City Off-Track Betting Corporation, Capital District Regional Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation and Western Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Harrah’s Louisiana Downs, Louisiana through October 18, 2008.
26. For entry into the minutes, on August 28, 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 Turfway Park (Fall meet ONLY), Kentucky.

27. For entry into the minutes, on August 28, 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 Los Angeles County Fair Association d/b/a Fairplex Park, California from September 5 through September 22, 2008.
28. For entry into the minutes, on September 11, 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 Laurel Park, Maryland through December 31, 2008.
29. For entry into the minutes, on September 11, 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 Kentucky Downs, Kentucky through September 23, 2008.
30. For entry into the minutes, on September 11, 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 Remington Park, Oklahoma through December 14, 2008.
31. **NYRA - REQUEST TO CONDUCT \$1,000 WAGERING PROMOTION ON THE DAY OF THE WOODWARD STAKES**  
For entry into the minutes, on August 19, 2008, the New York State Racing and Wagering Board approved the NYRA request to conduct a \$1,000.00 wagering promotion on August 30, 2008 with a random drawing on the 2008 Woodward Stakes.
32. **NYRA - REQUEST TO OFFER ADVANCE WAGERING FOR TRAVERS STAKES**  
For entry into the minutes, on August 20, 2008, the New York State Racing and Wagering Board approved the New York Racing Association, Inc. request to offer advance wagering on Friday, August 22, 2008 for the August 23, 2008 Travers Stakes. This approval was limited to the single date and race specified.
33. **NYRA - 2008 PICK 6 DISTRIBUTION DATES**  
For entry into the minutes, pursuant to Board Rule 4011.23, on August 28, 2008, the New York State Racing and Wagering Board approved the NYRA request to distribute the entire Pick-Six pool including all accumulated carryovers on September 1, 2008 for the 2008 Saratoga Race Course Meet.
34. **NYRA - REQUEST FOR 2008 BREEDERS' CUP PARTY PROMOTION FOR REWARDS ACCOUNT HOLDERS**  
For entry into the minutes, on August 28, 2008, the NYS Racing and Wagering Board approved the New York Racing Association, Inc. request to conduct a Breeders' Cup Party promotion for NYRA rewards account holders, who accumulate 2,500 or more rewards points during the month of September 2008.

**35. NYRA - REQUEST FOR EMERGENCY EXTENSION OF SIMULCASTING**

For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board acted upon the August 27, 2008 request from The New York Racing Association, Inc. to extend the approval of “all of NYRA’s relevant 2007 import and export simulcast agreements, subject to any negotiated rate or other changes for 2008 (i.e., the 2007 import and export simulcast agreements that have already been extended ...)”, and all of NYRA’s relevant 2008 export simulcast agreements and content agreements between NYRA and TVG, Youbet, and Track Net.

Based upon the above request, and in consideration of the Board’s receipt of the August 28, 2008 SIXTH AMENDMENT TO STIPULATION RELATING TO, AMONG OTHER THINGS, THE OPERATION OF THE RACETRACKS, dated December 31, 2007, and the August 28, 2008 letter of the Non-Profit Racing Association Oversight Board, and pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Article X, the Board extended its prior approvals of NYRA’s 2007 simulcast imports and exports, and the approvals of simulcasts to Youbet.com, TVG Network, TrackNet Media Group, and the related content agreements through the earlier of (i) September 28, 2008 or (ii) further action of the Board.

This approval was specifically conditioned upon compliance with the representations made in connection with those applications as well as compliance with the identical terms and conditions set forth in the Board’s prior letters of approval in relation to these simulcasts.

**36. NYRA – REQUEST FOR APPROVAL OF NEW AND EXPANDED WAGERING FOR 2008 BELMONT FALL MEET**

For entry into the minutes, on September 3, 2008, the New York State Racing and Wagering Board approved the New York Racing Association Inc. request to revise the wagering menu for races to be conducted at the 2008 Belmont Park Fall Meet. This approval was valid only through September 28, 2008.

The following wagers were added or revised:

- Rolling Daily Doubles covering the whole card of races
- Additional superfectas-up to thirteen depending on field sizes
- A \$500,000 guaranteed Pick Four to be conducted on Saturday, September 27, 2008.

**37. NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008**

For entry into the minutes, on August 21, 2008, the New York State Racing and Wagering Board approved The New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes for the year 2008 to the following additional secondary site, Paragon Casino Resort, Louisiana, associated with the previously approved simulcasts to Autotote Enterprises Inc., Connecticut.



38. **SARATOGA GAMING AND RACEWAY – REQUEST TO ADD RACE DATES**  
For entry into the minutes, on August 28, 2008, the NYS Racing and Wagering Board approved the request from Saratoga Gaming and Raceway authorizing the conduct of pari-mutuel harness racing on three more dates in the month of October, 2008. The additional dates are Mondays, October 6, October 20 and October 27 with first race post-time at 12:45 p.m. for all three cards.
39. **SARATOGA GAMING AND RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Los Angeles County Fair Association d/b/a Fairplex Park, California from September 5 through September 22, 2008.
40. **SARATOGA GAMING AND RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 19, 2008, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to simulcast its standardbred racing programs for wagering purposes to the following locations for the remainder of the year 2008:
1. AmWest
  2. Buffalo Raceway, New York
  3. Chester Downs, Pennsylvania
  4. Colonial Downs, Virginia
  5. Autotote Enterprise Inc. (Connecticut OTB), Connecticut
  6. Delaware Park, Delaware
  7. Fair Meadows, Oklahoma
  8. Finger Lakes Racing Association, Inc., New York
  9. Freehold Raceway, New Jersey
  10. Harrington Raceway, Delaware
  11. Hazel Park, Michigan
  12. Hinsdale Raceway, New Hampshire
  13. Indiana Downs, Indiana
  14. Lebanon Raceway, Ohio
  15. Lewiston Raceway, Maine
  16. The Lodge at Belmont
  17. Monticello Raceway, New York
  18. NJSEA (Meadowlands/Monmouth), New Jersey
  19. Northfield Park, Ohio
  20. Northville Downs, Michigan
  21. Northville Racing Corporation, Michigan
  22. Northlands, Alberta, Canada
  23. Northside, Nova Scotia, Canada

24. Ocean Downs, Maryland
  25. Penn National Gaming, Pennsylvania
  26. Philadelphia Park, Pennsylvania
  27. Plainridge Racecourse, Massachusetts
  28. Pocono Downs, Pennsylvania
  29. Pompano Park, Florida
  30. Presque Isle Downs, Pennsylvania
  31. Raceway Park, Ohio
  32. The Red Mile, Kentucky
  33. Rockingham Park, New Hampshire
  34. Rosecroft, Maryland
  35. Scarborough Downs, Maine
  36. Scioto Downs, Ohio
  37. Sunland Park, New Mexico
  38. TRNI
  39. The Texas Hub, Texas
  40. Tioga Downs, New York
  41. TrackNet Media Group, Kentucky
  42. Vernon Downs, New York
  43. Yonkers Raceway, New York
  44. Premier Turf Club, North Dakota.
41. For entry into the minutes, on August 20, 2008, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to amend its previously approved simulcast export contract with Autotote Enterprises, Inc. (with thirteen [13] secondary sites), Connecticut, to include wagering on such races as part of the player reward program of Autotote Enterprises, Inc., as well as specified secondary sites.
  42. For entry into the minutes, on August 20, 2008, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to amend its previously approved simulcast export contract with Pompano Park (with twenty [20] secondary sites), Florida, to include wagering on such races as part of the player reward program of Pompano Park, as well as the specified secondary sites.
  43. For entry into the minutes, on August 20, 2008, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to amend its previously approved simulcast export contract with Rockingham Park (with two [2] secondary sites), New Hampshire, to include wagering on such races as part of the player reward program.
  44. For entry into the minutes, on August 21, 2008, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to amend its previously approved simulcast export contract with Penn National Gaming (with six [6] secondary sites), Pennsylvania Connecticut, to include wagering on such races as part of the player reward program of Penn National Gaming, as well as specified secondary sites.

45. For entry into the minutes, on September 5, 2008, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to simulcast its standardbred racing programs for wagering purposes to Racing 2 Day, LLC, Oregon for the remainder of 2008.
46. **SUFFOLK REGIONAL OTB – REQUEST TO CONDUCT HANDICAPPING CONTEST**  
For entry into the minutes, on August 19, 2008, the New York State Racing and Wagering Board approved the request from the Suffolk Regional Off-Track Betting Corporation to conduct a handicapping contest at the Racing Forum located at 690 Motor Parkway in Hauppauge, N.Y. on Saturday, October 11, 2008.
47. **TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 21, 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 Remington Park, Oklahoma through December 14, 2008.
48. For entry into the minutes, on August 21, 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 The Red Mile, Kentucky through October 4, 2008.
49. For entry into the minutes, on August 28, 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. Hoosier Park (Thoroughbred meet), Indiana from August 29 through November 23, 2008
  2. Laurel Park, Maryland from September 4 through December 31, 2008.
50. For entry into the minutes, on September 5, 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 Presque Isle Downs & Casino, Pennsylvania through September 27, 2008.
51. **TIOGA DOWNS – REQUEST TO EXPORT VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 18, 2008, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2008 to Northville Racing Corporation, Michigan.
52. For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board approved the Tioga Downs request to amend its previously approved export contract with Rockingham Park New Hampshire, to include wagering on such races as part of the player reward program, as well as the one specified secondary site.

53. For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board approved the Tioga Downs request to amend its previously approved export contract with PPI, Inc. d/b/a/ Pompano Park, Florida to include wagering on such races as part of the player reward program, as well as the seven (7) specified secondary sites.
54. **VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 21, 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 Remington Park, Oklahoma through December 14, 2008.
55. For entry into the minutes, on August 21, 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 The Red Mile, Kentucky through October 4, 2008.
56. For entry into the minutes, on August 28, 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. Hoosier Park (Thoroughbred meet), Indiana from August 29 through November 23, 2008
  2. Laurel Park, Maryland from September 4 through December 31, 2008.
57. For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board approved the Vernon Downs request to amend its previously approved export contract with Rockingham Park New Hampshire, to include wagering on such races as part of the player reward program, as well as the one specified secondary site.
58. For entry into the minutes, on September 5, 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 Presque Isle Downs & Casino, Pennsylvania through September 27, 2008.
59. **VERNON DOWNS – REQUEST TO EXPORT VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 28, 2008, the New York State Racing and Wagering Board approved the Vernon Downs request to amend its previously approved export contract with PPI, Inc. d/b/a/ Pompano Park, Florida to include wagering on such races as part of the player reward program, as well as the seven (7) specified secondary sites.

60. **YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 28, 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 Remington Park, Oklahoma through December 14, 2008.
61. For entry into the minutes, on August 29, 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 Hoosier Park (Thoroughbred meet), Indiana from August 29, 2008 through November 23, 2008.
62. For entry into the minutes, on September 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 Turfway Park, Kentucky through October 2, 2008.
63. For entry into the minutes, on September 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 Laurel Park, Maryland from September 4 through December 31, 2008.
64. For entry into the minutes, on September 5, 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 Kentucky Downs, LLC, Kentucky from September 13 through September 23, 2008.
65. **YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008**  
For entry into the minutes, on August 18, 2008, the New York State Racing and Wagering Board approved the request from Yonkers Raceway to simulcast its standardbred racing programs for wagering purposes to Track Net Media Group (with thirteen [13] guest entities and seventy nine [79] secondary sites), Kentucky for the remainder of 2008.
66. For entry into the minutes, on August 20, 2008, the New York State Racing and Wagering Board approved the request from Yonkers Raceway to simulcast its standardbred racing programs for wagering purposes to Pompano Park (with twenty-one [21] secondary sites), Florida through December 31, 2008.
67. For entry into the minutes, on August 21, 2008, the New York State Racing and Wagering Board approved the request from Yonkers Raceway to simulcast its standardbred racing programs for wagering purposes for the remainder of 2008 to Sudbury Downs (with nine [9] secondary sites), Ontario, Canada.

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

### **1. DELEGATION TO CHAIRMAN – JOHN D. SABINI**

For entry into the minutes, on August 11, 2008, John D. Sabini, as the new Board Chairman, clarified which categories of approvals are appropriate for individual Chairman determination and which require action of the full Board as follows:

The determinations listed below in the first grouping could be made by the Chairman individually. The Chairman would not be required to seek approval of the full Board on these determinations. The Chairman would have the discretion to have any of these issues determined by the full Board. The categories set forth in the second grouping would be approved only by a vote of the full Racing and Wagering Board. This limited delegation of authority would supersede any delegation of powers previously issued by the Racing and Wagering Board.

#### **DELEGATED**

1. Approval of simulcasts. These include approvals for tracks to send simulcasts out-of-state, approval for the receipt of simulcasts from out-of-state tracks, approval for simulcasting from tracks to off-track betting corporations, approval for intra-state simulcasting, and approval of in-home simulcasts;
2. Promotional requests. These include approvals of promotional giveaways, handicapping contests, off-track betting admissions, and other events incidental to the conduct of racing or the simulcasting of horse racing;
3. Changes in the wagering format. These include approvals of changes in post-time, changes in racing dates, changes in the number of races on a program, and changes in the types of wagers offered at tracks;
4. Changes in OTB plans of operation limited to approvals of concessionaires, the closing of branches, the addition of simulcasting to an existing branch, and including those matters set forth in categories 1 and 2 above;
5. Approval of apprentice jockey extension allowances; and
6. Individual changes in the roster of racing officials at the thoroughbred tracks.

#### **NON-DELEGATED MATTERS THAT SHOULD BE SUBJECT TO A VOTE OF THE FULL RACING AND WAGERING BOARD**

1. Proposal and Adoption of Rules;
2. Annual track license applications;
3. Annual simulcast facility licenses;
4. Annual totalisator company and other service provider licenses pursuant to 9 NYCRR Part 5100;
5. Reports of hearing officers;
6. Summary suspensions;
7. Use of capital improvement funds;
8. Requests for opinions of the Attorney General;

9. Assessment formulae and by-law amendments of the Jockey Injury Compensation Fund, Inc.;
  10. Initial annual roster of racing officials at the thoroughbred tracks; and
  11. All other matters not specifically delegated to the Chairman.
2. **VERNON DOWNS – REQUEST TO HOST 2008 FALL LATE CLOSER**  
For entry into the minutes, on August 14, 2008, the NYS Racing and Wagering Board approved the request from Vernon Downs for approval of two separate “late closers” at Vernon Downs beginning with eliminations for pacers and trotters on Saturday, August 23 and finals scheduled for Monday, September 21, 2008.
  3. **CATSKILL REGIONAL OTB – REQUEST TO REOPEN VILLA ROMA RESORT IN CALLICOON, NY**  
For entry into the minutes, on September 3, 2008, the NYS Racing and Wagering Board approved an amendment to the plan of operation of the Catskill Regional OTB authorizing the operation of pari-mutuel wagering and simulcasting with self-activated betting terminals only within the Villa Roma Resort in Callicoon, N.Y.
  4. **NASSAU REGIONAL OTB – APPOINTMENT OF NEW COMPTROLLER - SPRINGER**  
For entry into the minutes, on September 3, 2008, the New York State Racing and Wagering Board approved an amendment to the Nassau Regional Off-Track Betting Corporation plan of amendment to reflect the appointment of Dennis Springer as Comptroller.
  5. **BATAVIA DOWNS/WESTERN REGIONAL OTB - REQUEST FOR APPROVAL TO PROVIDE IN-HOME SIMULCAST OF BATAVIA DOWNS RACES**  
For entry into the minutes, on September 3, 2008, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation request to simulcast the Batavia Downs standardbred racing programs through December 6, 2008 to Time Warner Entertainment Advance/Newhouse Partnership and Time Warner Cable-Buffalo for in-home cable television distribution, as described in the application and subsequent information provided to the Board.

This approval is limited to the display of Batavia Downs live races only and does not constitute approval to display imported race signals from other pari-mutuel tracks.

#### **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 the 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 NYCOTB facilities.

2. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO ALLOW DEPOSITS TO CAPITAL BETS ACCOUNTS VIA SELF-SERVICE TERMINALS**

The New York State Racing and Wagering Board approved the request from the Capital District Regional Off-Track Betting, Corp. to allow deposits into Capital Bets accounts through self-service wagering terminals, as described in the August 12, 2008 submission to the Board.

Such approval is subject to the same conditions as the Board’s November 29, 2007 approval of CDROTBC’s Internet and Account Wagering Plan of Operation and subsequent amendments approved on December 12, 2007 and April 28, 2008.

3. **THE NEW YORK RACING ASSOCIATION, INC. – AMENDMENT TO INTERNET AND ACCOUNT WAGERING – IMPLEMENTATION OF NYRA REWARDS PLAYERS CLUB**

The New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to offer a Players’ Reward Club to select NYRA Rewards Members as outlined in its March 27, 2008 letter and subsequent submissions. The approval is conditioned upon the following:

- Approval is granted under the premise that membership is granted to all who have wagered more than \$10,000 in the prior year. NYRA shall notify the Board when changes are made to the qualifying parameters to gain access to the Club.
- No specific approval is granted for handicapping contests. NYRA shall request Board approval for each handicapping contest.
- NYRA shall keep detailed accounting records for all revenues and costs associated with the Club, including all benefits and complimentary items received by members or guests.
- Internal Audit shall periodically audit all aspects of the program.

4. **THE NEW YORK RACING ASSOCIATION, INC. – AMENDMENT TO INTERNET AND ACCOUNT WAGERING TO ALLOW FUNDING & WITHDRAW VIA MOBILE ACCOUNT WAGERING SYSTEM**

The New York State Racing and Wagering Board approved The New York Racing Association, Inc. request for approval to amend its Internet and Account Wagering Plan of Operation to allow NYRA wagering account holders to make deposits and



withdrawals via hand held devices in the same fashion as currently approved for telephone and internet wagering as described in the July 23, August 15 and September 5, 2008 correspondences to the Board.

This approval is subject to compliance with the same conditions approved by the Board on April 26, 2007 and the modifications approved by the Board on November 29, 2007, July 24, 2008 and August 28, 2008.

5. **FINGER LAKES RACETRACK – REQUEST FOR NEW HORSE IDENTIFIER, PLACING JUDGE & CLERK OF SCALES – RORY BARRON**

Pursuant to Board Rule 4003.5, The New York State Racing and Wagering Board approved the employment of Rory Barron as a back-up Horse Identifier, Placing Judge and Clerk of Scales for the remainder of the 2008 season at Finger Lakes Gaming and Racetrack.

6. **SARATOGA GAMING & RACEWAY – REQUEST TO WITHDRAW \$110,329.33 FROM CIF**

The New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to withdraw a total of \$110,329.33 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

**Backstretch (14%)**

Purchase of Track Conditioner & Level Bar	<u>\$ 14,950.00</u>
<b>Total Backstretch</b>	14,950.00

**Other (86%)**

Construction & installation of new tote board	<u>\$ 95,379.33</u>
<b>Total Other</b>	95,379.33

<b>Total Approved</b>	<u>\$ 110,329.33</u>
-----------------------	----------------------

Any further requests for reimbursement related to the new tote board will be considered on an individual basis if and when submitted.

7. **SUFFOLK REGIONAL OTB – REQUEST TO ADD QWIK BET – MAIN STREET PUB (HMJV RESTAURANT) IN KINGS PARK**

The New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation request to amend their plan of operation to include the opening of a Quik-Bet simulcast facility at the HMJV Rest. Inc. d/b/a Main Street Pub, which is located at 21 Main Street in Kings Park, N.Y. in Suffolk County.

It is a condition of this approval that the wagering and simulcasting at this facility will be conducted in accordance with the terms of the operating agreement presented to the Board as well as all applicable statutes and Board rules, and that all wagering will be conducted through self-service terminals only.

The Board's approval to operate a Quik-Bet facility at this location shall expire and be of no force and effect in the event of any change in ownership or operation without the prior written approval of the Board.

It is expected that the Suffolk Regional Off-Track Betting Corporation will arrange for the occasional inspection of this facility to assure compliance with the plan of operation and relevant laws and Board rules, and certify to the Board on a periodic ongoing basis that the conduct of wagering at this facility is in compliance with the foregoing.

**8. YONKERS RACEWAY – REQUEST TO OFFER REWARDS PROGRAM TO RACE FANS**

The New York State Racing and Wagering Board approved the June 26, 2008 Yonkers Raceway request to offer the Empire Club Card program, conditioned on the following:

- The program is conducted pursuant to the submitted application;
- Points cannot be redeemed for entries into drawings;
- Points cannot be redeemed for cash unless separate approval is obtained;
- Point redemption values and prize schedules cannot be changed without prior approval of the Board provided, however, that Yonkers Raceway may add new prizes valued up to \$100 at their own discretion. Yonkers Raceway is required to notify the Board of all such changes within five (5) business days of any change.

**9. NOTICE OF PROPOSED RULEMAKING – AUDIBLE ALERT**

For entry into the minutes, the New York State Racing and Wagering Board approved the Proposed Rulemaking, which amends Board Rule 5823.2, Audible Alert, to authorize electronic bingo aids to emit sounds that may aid visually impaired players. This rule will be published in the State Register for a 45-day comment period and then presented to the Board for adoption.

**10. IN THE MATTER OF ANTHONY COLETTA**

The New York State Racing and Wagering Board adopted Hearing Officer Russell H. Baller, Jr.'s recommended findings of fact but rejected the recommended conclusions of law. The Board upheld the refusal to license Mr. Coletta and determined based on the unique facts and circumstances that he should be eligible to apply for a harness racing license in New York State on October 10, 2008.

**11. IN THE MATTER OF STEVEN ENOS**

The New York State Racing and Wagering Board adopted the recommendation of Hearing Officer Russell H. Baller, Jr. to revoke the harness groom's license of Mr. Steven Enos.

**12. IN THE MATTER OF MAKE IT HAPPEN'S APPEAL OF JUDGES RULING AT YONKERS RACEWAY**

The New York State Racing and Wagering Board by vote of 2 – 1 with Member Simoni dissenting, adopted the recommendation of Hearing Officer Russell H. Baller, Jr. that the appeal from the decision of the judges at Yonkers Raceway not to disqualify NAPOLEON in the tenth race on June 28, 2008, based on an incident late in the stretch where MAKE IT HAPPEN entered the passing lane, be dismissed on the basis that it is a non-reviewable judgment call.

**13. IN THE MATTER OF ALVIN FELICIANO**

The New York State Racing and Wagering Board adopted the recommendation of Hearing Officer Russell H. Baller, Jr. to revoke the thoroughbred racing license of Alvin Feliciano based upon criminal charges related to possession of marijuana, his admission that he on April 3, 2008 would test positive for marijuana and violation of conditions of voluntary agreement pertaining to substance abuse evaluation/treatment.

**14. IN THE MATTER OF JOHN M. GILMOUR**

The New York State Racing and Wagering Board adopted the recommendation of Hearing Officer Russell H. Baller, Jr. to revoke the harness racing license of John M. Gilmour based upon his failure to submit a urine sample for testing at Vernon Downs on July 18, 2008 in violation of Board Rule 4119.11.

**15. IN THE MATTER OF JOSEPH BRADLEY**

The New York State Racing and Wagering Board adopted the recommendation of Hearing Officer Russell H. Baller, Jr. to revoke the thoroughbred general service racing license of Joseph Bradley.

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

**1. INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for August 1, 2008 through August 31, 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 August 1, 2008 through August 31, 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 August 13, 2008 through September 11, 2008.

**4. LICENSING/CURRENT LICENSE COUNT**

The current racing licensing counts as of August 31, 2008 since January 1, 2008 were as follows: total receipts 12,773 and total licenses 8,666 for the year 2008.

5. **2008 LICENSED SUPPLIERS**

List of licensed suppliers – manufacturers’ and distributors’ licenses issued for the time period of August 1, 2008 through August 31, 2008.

6. **CAPITAL DISTRICT REGIONAL OTB - 2008 SECOND QUARTER RESULTS  
PLAYER REWARDS**

The reports for the second quarter (April - June) of 2008 were filed on July 31, 2008.

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

None.

**The meeting adjourned at 10:17 a.m.**