MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF JULY 14, 2008

A meeting of the New York State Racing and Wagering Board was held on Monday, July 14, 2008 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:

Daniel D. Hogan, Chairman

Michael J. Hoblock, Member

John B. Simoni, Member

John Cansdale, 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:

Daniel Toomey, NYSR&WB

Vivian Davis, NYSR&WB

John Googas, NYSR&WB

William Sekellick, NYSR&WB

Mike Lamendola, Schenectady Gazette

OPEN COMMENT PERIOD: No comments were made.

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

• ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. BUFFALO RACEWAY – REQUEST TO EXPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on June 4, 2008, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its standardbred racing programs for wagering purposes during the remainder of 2008 to the following additional site associated with the previously approved simulcasts to TrackNet Media Group: Betharness.com, owned by Northfield Park, LLC, and operated under auspices of Churchill Downs Technology Initiatives Company.

2. CAPITAL DISTRICT REGIONAL OTB – JUNE 2008 PROMOTIONS

For entry into the minutes, on May 22, 2008, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct the promotions identified in the May 19, 2008 application.

3. CAPITAL DISTRICT REGIONAL OTB – PERMISSION FOR NEW DIRECTOR CHARLES POTTER (FULTON COUNTY)

For entry into the minutes, on June 5, 2008, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation plan of operation to reflect the appointment of Charles Potter as the Board Member representing Fulton County through December 31, 2008.

4. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO AMEND PICK SIX CARRYOVER

For entry into the minutes, on June 12, 2008, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to amend the terms for the previously approved (January 4, 2008) Pick-Six promotions during all of 2008 by amending the number of randomly drawn participants to

<u>either</u> ten or twenty-five at the discretion of Capital OTB, depending on the amount of the Pick-Six carryover.

5. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER GIANT JACKPOT CONTEST ON JUNE 29, 2008

For entry into the minutes, on June 18, 2008, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct an Online Giant Jackpot Contest on June 29, 2008.

6. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER CAPITAL BETS PROMOTION FOR JULY 2008

For entry into the minutes, on June 27, 2008, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to offer NEW Capital Bets account holders (opened only from July 1 through July 31, 2008) who wager fifty (\$50.00) dollars from their accounts a fifty (\$50.00) dollar deposit into that account after the wager.

7. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR APPROVAL OF JULY 2008 PROMOTIONS

For entry into the minutes, on June 27, 2008, the New York State Racing and Wagering Board approved the application by the Capital District Regional Off-Track Betting Corporation to conduct various promotions during July 2008, as specified in their application dated June 20, 2008.

8. CAPITAL DISTRICT REGIONAL OTB – CLOSURE OF TOWN 'N COUNTRY LANES – GUILDERLAND, NY

For entry into the minutes, on June 27, 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 EZ Bet facility within the Town-N-Country Lanes of Guilderland.

9. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on May 22, 2008, the New York State Racing and Wagering Board approved an amendment to the Capital District Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from

Harrah's Louisiana Downs (thoroughbred meet), Louisiana through May 31, 2008.

10. CATSKILL REGIONAL OTB – CLOSURE OF BACKSTREETS RESTAURANT IN BLAUVELT

For entry into the minutes, on June 17, 2008, the NYS Racing and Wagering Board approved an amendment to the Catskill Off-Track Betting Corporation plan of operation to reflect the closure of its Backstreets Restaurant branch located in Blauvelt, N.Y. This branch's last day of pari-mutuel business was June 10, 2008.

11. FINGER LAKES RACETRACK – REQUEST FOR PERMISSION FOR PREAKNESS CHALLENGE

For entry into the minutes, on May 14, 2008, the New York State Racing and Wagering Board approved the conduct of the Racing Regular Promotion and the Preakness Challenge in accordance with the revised rules submitted on May 7, 2008. These promotions were approved previously on April 24, 2008, subject to compliance with the conditions submitted with the original request.

12. FINGER LAKES RACETRACK- PROPOSED PROMOTIONS/EVENTS DURING 2008

For entry into the minutes, on May 15, 2008, the NYS Racing and Wagering Board approved the Finger Lakes Racetrack request to conduct a contest from May 26 through October 4, 2008, where patrons, who are also members of the Player Extras Club, may enter their name and address in an attempt to win one of the five \$1,000.00 prizes made available.

13. FINGER LAKES RACETRACK – REVISION TO MAY 2008 PROMOTIONS/ EVENTS

For entry into the minutes, on May 22, 2008, the New York State Racing and Wagering Board approved the revised "Lucky Numbers Direct Mail" promotion to be conducted on May 31, 2008.

14. FINGER LAKES RACETRACK – JUNE 2008 PROMOTIONS

For entry into the minutes, on May 22, 2008, the NYS Racing and Wagering Board approved the Finger Lakes Racetrack request to conduct the June promotions as set forth in the May 7, 2008 application to the Board **except** for the June 7, 2008 Stamped Program Promotion, which was withdrawn.

15. FINGER LAKES RACETRACK – JULY 2008 PROMOTIONS

For entry into the minutes, on June 12, 2008, the NYS Racing and Wagering Board approved the Finger Lakes Racetrack request to conduct the July promotions set forth in the request dated May 22, 2008, as amended on June 4, 2008.

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

For entry into the minutes, on May 22, 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 during the remainder of 2008 from Penn National Race Course, Pennsylvania.

17. For entry into the minutes, on May 29, 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 Lone Star Park, Texas through July 27, 2008.

18. For entry into the minutes, on May 29, 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:

- Mountaineer Park, Inc., West Virginia through December 30, 2008
- Presque Isle Downs & Casino, Pennsylvania through September 27, 2008.

19. For entry into the minutes, on May 29, 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 Charles Town Races and Slots, West Virginia.

20. For entry into the minutes, on June 12, 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 (Monmouth), New Jersey through June 23, 2008.

21. For entry into the minutes, on June 27, 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/ Monmouth), New Jersey for the remainder of 2008.

22. FINGER LAKES RACETRACK – REQUEST TO EXPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on May 30, 2008, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association request to simulcast its thoroughbred racing programs during 2008 to Autotote Enterprises (Connecticut) by approving through June 30, 2008 the following secondary sites:

- John Martin's Manor (Maine)
- Ho-Chunk Casino Racebook (Wisconsin)
- Oneida Casino Racebook (Wisconsin).

23. For entry into the minutes, on June 4, 2008, 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 during the remainder of 2008 to the following additional site associated with the previously approved simulcasts to TrackNet Media Group: Betharness.com, owned by Northfield Park, LLC, and operated under auspices of Churchill Downs Technology Initiatives Company.

24. For entry into the minutes, on June 5, 2008, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs during the year 2008 to Raynham-Taunton Greyhound Park, Massachusetts.

25. MONTICELLO RACEWAY – ADD RACE DATE OF FRIDAY, JUNE 6, 2008

For entry into the minutes, on May 22, 2008, the NYS Racing and Wagering Board approved the addition of Friday, June 6, 2008, as an assigned race date for Monticello Raceway.

26. MONTICELLO RACEWAY – REQUEST TO HOLD PICK THE-WINNER PROMOTION ON WEDNESDAYS IN JULY AND AUGUST

For entry into the minutes, on June 12, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway request to conduct a Pick-the-Winner racing promotion on the nine Wednesdays during July and August of 2008. This promotion is open to guests who are Player's Club members and requires that the participant pick the winner of ALL the races correctly that day.

27. MONTICELLO RACEWAY – REQUEST TO ALLOW THE USE OF FREE BET COUPONS

For entry into the minutes, on June 27, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway request to conduct a mail promotion containing a free ten dollar (\$10.00) race bet offer.

28. MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on May 22, 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 NJSEA (Meadowlands/Monmouth), New Jersey through June 9, 2008.

29. For entry into the minutes, on May 22, 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 Thistledown, Ohio through October 25, 2008.

30. For entry into the minutes, on May 29, 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 Ocean Downs, Maryland.

31. For entry into the minutes, on May 29, 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 NJSEA (Meadowlands), New Jersey through June 30, 2008.

32. For entry into the minutes, on June 12, 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 NJSEA (Monmouth), New Jersey through June 23, 2008.

33. For entry into the minutes, on June 27, 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 NJSEA (Meadowlands/Monmouth), New Jersey for the remainder of 2008.

34. MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008

For entry into the minutes, on May 22, 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 to Hipodromo De Agua Caliente (with two hundred twenty five [225] secondary sites), Mexico during the year 2008.

35. For entry into the minutes, on June 4, 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 during the remainder of 2008 to the following additional site associated with the previously approved simulcasts to TrackNet Media Group: Betharness.com, owned by Northfield Park, LLC, and operated under auspices of Churchill Downs Technology Initiatives Company.

36. For entry into the minutes, on June 12, 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 to seven [7] additional secondary sites, associated with the previously approved simulcasts to Hipodromo De Agua Caliente, Panama.

37. NASSAU REGIONAL OTB – REQUEST TO CONDUCT "PALACE CROWN" HANDICAPPING CONTEST

For entry into the minutes, on June 17, 2008, the NYS Racing and Wagering Board approved the Nasssau Regional Off-Track Betting Corporation request to conduct a handicapping contest known as the "Palace Crown Handicapping Contest" on August 9, 2008 at the Race Palace Teletheater.

38. NEW YORK CITY OTB – REQUEST FOR MOU BETWEEN NYS REGIONAL OTB CORPS. & THOROUGHBRED HORSEMEN'S GROUP

For entry into the minutes, on June 19, 2008, the New York State Racing and Wagering Board approved the May 30, 2008 request of the New York City Off-Track Betting Corporation, on behalf of itself and all other New York State Off-Track Betting Corporations, to amend the plans of operation of each corporation to incorporate the terms of the Memorandum of Understanding between the six corporations and the Thoroughbred Horsemen's Group, LLC. These amendments are effective through the term of the Agreement, which ends on December 31, 2009, unless otherwise terminated earlier.

39. NEW YORK CITY OTB – REQUEST TO AMEND PLAN OF OPERATION – ACCURATE CASH ACCESS, LLC

For entry into the minutes, on June 19, 2008, the New York State Racing and

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Wagering Board approved an amendment to the New York City Off-Track Betting Corporation plan of operation authorizing the continuation of "account loading" services provided by contract with Accurate Cash Access. This approval is effective through August 31, 2008 and is conditioned upon the following:

- If the Agreement is renewed, NYCOTB must notify the Board and seek a plan of operation amendment no later than ten days following the notice of renewal date; and
- NYCOTB must notify the Board of any changes in ownership or control of Accurate Cash Access LLC within five days of any change.

40. NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on May 15, 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 June 22, 2008.

41. For entry into the minutes, on May 16, 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:

- Arlington Park, Illinois through September 25, 2008
- Hollywood Park, California through July 13, 2008.

42. For entry into the minutes, on May 16, 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, Indiana through July 12, 2008
- Lone Star Park, Texas through July 27, 2008
- The Meadows, Pennsylvania through December 31, 2008.

43. For entry into the minutes, on May 16, 2008, The New York State Racing and Wagering Board approved the request of each New York State off-track betting corporation to amend their respective simulcast plans of operation to incorporate wagering and simulcasting activity relating to TrackNet content as provided in the February 2008 Term Sheet executed by and among the New York State off-track betting corporations and TrackNet Media Group, LLC and subject to the conditions set forth.

44. For entry into the minutes, on May 29, 2008, the New York State Racing and

Wagering Board approved amendments to the plans of operation of each New York State offtrack betting corporation authorizing the simulcast for wagering purposes of races from NJSEA (Meadowlands/ Monmouth), New Jersey through June 9, 2008.

45. For entry into the minutes, on May 29, 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 Thistledown, Ohio through October 25, 2008.

46. For entry into the minutes, on May 29, 2008, the New York State Racing and Wagering Board approved amendments to the plans of operation of New York City Off-Track Betting Corporation, Capital District Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation and Western Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Harrah's Louisiana Downs, Louisiana through May 31, 2008.

47. For entry into the minutes, on June 5, 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 Presque Isle Downs, Pennsylvania during the remainder of 2008.

48. For entry into the minutes, on June 6, 2008, the New York State Racing and Wagering Board approved an amendment to the plan of operation of New York City Off-Track Betting Corporation authorizing the simulcast for wagering purposes of programs hosted by Phumelela Gold Enterprises (Racing UK) during the remainder of 2008.

49. For entry into the minutes, on June 27, 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 River Downs, Ohio for the remainder of 2008.

50. NYRA – REQUEST FOR "REWARD YOURSELF" BELMONT SPRING/ SUMMER 2008 PROMOTIONS

For entry into the minutes, on May 14, 2008, the New York State Racing and Wagering Board approved the New York Racing Association's request to conduct two NYRA rewards promotions, "Earn a Cool \$500.00" – Earn 20,000 points or more in June 2008 and receive a \$500.00 reward and "Reward Yourself-Belmont Brunch" – Earn 5,000 or more points in June and receive two invitations to a brunch at Belmont Park.

51. NYRA – REQUEST TO CONDUCT VARIOUS WAGERING ON 2008

BELMONT STAKES DAY

For entry into the minutes, on May 30, 2008, the New York State Racing and Wagering Board approved the New York Racing Association request to revise the wagering offered for Belmont Stakes Day, Saturday, June 7, 2008 and the preceding Friday, June 6, 2008. The following wagers were authorized:

- Two-day double with Brooklyn Handicap as the first leg and the Belmont Stakes as the second leg (usual daily double takeout would apply);

- Rolling Daily Doubles starting in each of races 1 through 12;

- Rolling Pick-Three wagering starting in each of races 1 through 11;

- Superfectas in every race qualifying for same;

- **No** ten-cent (\$0.10) Superfecta wagering (including the Friday before the Belmont Stakes);

- Pick Four wagers as follows; EARLY, involving races 2 through 5; MIDDLE, involving races 8 through 11 (with a \$1,000,000 guarantee previously approved by the NYSRWB); and LATE, involving races 10 through 13;

- Grand Slam wager involving races 7 through 10;

- Pick-Six ending with the Belmont Stakes (with a \$1,000,000 guarantee previously approved by the NYSRWB).

52. NYRA – ADVANCE WAGERING FOR 2008 BELMONT STAKES DAY

For entry into the minutes, on June 3, 2008, the New York State Racing and Wagering Board approved the New York Racing Association, Inc. request to offer advance wagering on Friday, June 6, 2008 only for the June 7, 2008 Belmont Stakes.

53. NYRA – REQUEST TO OFFER "EARN A COOL \$500" PROMOTION

For entry into the minutes, on June 17, 2008, the New York State Racing and Wagering Board approved the New York Racing Association request to conduct an "Earn a Cool \$500.00" promotion from June 18 through July 20, 2008.

54. NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on June 6, 2008, 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 hosted by Phumelela Gold Enterprises (Racing UK) through November 20, 2008.

55. NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008

For entry into the minutes, on June 5, 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 with a non-comingled pool to TABCORP, Australia on June 7, 2008.

56. For entry into the minutes, on June 5, 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 through July 13, 2008 only to the following additional site associated with the previously approved simulcasts to TrackNet Media Group: Betharness.com, owned by Northfield Park, LLC, and operated under auspices of Churchill Downs Technology Initiatives Company.

57. For entry into the minutes, on June 5, 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 to New Zealand Racing Board, New Zealand on June 7, 2008.

58. For entry into the minutes, on June 12, 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 through July 13, 2008 to the following additional secondary site, Riverwind Casino, Oklahoma, associated with the previously approved simulcasts to Remington Park, Oklahoma.

59. For entry into the minutes, on June 19, 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, Downstream Casino Resort, Oklahoma, associated with the previously approved simulcasts to Remington Park, Oklahoma.

60. SARATOGA GAMING AND RACEWAY – CHANGE IN FIRST RACE POST-TIMES

For entry into the minutes, on May 29, 2008, the NYS Racing and Wagering Board

approved an amendment to the Saratoga Gaming and Raceway pari-mutuel plan of operation changing the first post-time for the opening race from 7:00 p.m. to 7:05 p.m. for the remainder of the 2008 meeting with the exception of Saturday, June 7, 2008. On this date, the first race post-time will be 7:30 p.m.

61. SARATOGA GAMING AND RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on June 27, 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 Ocean Downs, Maryland for the remainder of 2008.

62. SARATOGA GAMING AND RACEWAY – REQUEST TO EXPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on June 17, 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 Sol Mutuel Limited, Grenada during the year 2008.

63. SUFFOLK REGIONAL OTB – PROMOTIONS IN CONJUNCTION WITH L.I. DUCKS MINOR LEAGUE

For entry into the minutes, on May 15, 2008, the New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation plan of amendment authorizing the conduct of the "Wheel of Fortune" Promotion and LI Ducks Drawing on June 2, 2008.

64. SUFFOLK REGIONAL OTB – REQUEST TO OFFER ACCOUNT LOADING SERVICES THROUGH ACCURATE CASH ACCESS

For entry into the minutes, on June 27, 2008, the New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation plan of operation authorizing the commencement of "account loading" services provided by contract with Accurate Cash Access. This approval is effective through July 31, 2010 and is conditioned upon the following:

 If the Agreement is renewed, SROTB must notify the Board and seek a plan of operation amendment no later than ten days following the notice of renewal date; and SROTB must notify the Board of any changes in ownership or control of Accurate Cash Access LLC within five days of any change.

65. TIOGA DOWNS – FREE TWO DOLLAR VOUCHER PROMOTION

For entry into the minutes, on May 14, 2008, the NYS Racing and Wagering Board approved an application by American Racing-Tioga Downs, Inc. to provide one two dollar (\$2.00) betting voucher to each patron who buys a Pimlico racing program on Saturday, May 17, 2008.

66. TIOGA DOWNS – REQUEST TO OFFER ONE TEN-HORSE FIELD ON SUNDAY, MAY 18, 2008

For entry into the minutes, on May 15, 2008, the NYS Racing and Wagering Board approved the American Racing-Tioga Downs, Inc. request to conduct racing with one 10-horse field on Sunday, May 18, 2008.

67. TIOGA DOWNS – TRIPLE VALUE COUPON BOOK PROMOTION

For entry into the minutes, on June 4, 2008, the New York State Racing and Wagering Board approved the application of American Racing-Tioga Downs, Inc. to conduct the "Triple Value Coupon Book" promotion on Saturday, June 7, 2008.

68. TIOGA DOWNS – REQUEST TO AMEND DRIVERS' COMPETITION PROMOTION

For entry into the minutes, on June 12, 2008, the NYS Racing and Wagering Board approved the revisions to the conditions (point systems and prize money) for the previously approved (April 28, 2008) Second Annual Drivers' Championship to be contested on Sunday, July 27, 2008, at Tioga Downs.

69. TIOGA DOWNS – REQUEST TO RACE TWO TEN-HORSE FIELDS ON JUNE 14, 2008

For entry into the minutes, on June 12, 2008, the New York State Racing and Wagering Board approved the request of American Racing-Tioga Downs, Inc. to conduct racing with two 10-horse fields on Saturday, June 14, 2008.

70. TIOGA DOWNS – REQUEST TO RACE ONE TEN-HORSE FIELD ON JUNE 20, 2008

For entry into the minutes, on June 18, 2008, the New York State Racing and Wagering Board approved the American Racing-Tioga Downs, Inc. request to conduct racing with one 10-horse field on Friday, June 20, 2008.

71. TIOGA DOWNS – REQUEST PERMISSION TO CONDUCT A GAS CARD REWARDS PROGRAM FROM JULY 1, 2008 THROUGH SEPTEMBER 30, 2008

For entry into the minutes, on June 27, 2008, the New York State Racing and Wagering Board approved the application of American Racing-Tioga Downs, Inc. to conduct a Gas Card Rewards Program from July 1 through September 30, 2008.

72. TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on June 12, 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 NJSEA (Meadowlands), New Jersey through June 30, 2008.

73. For entry into the minutes, on June 19, 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 Rockingham Park, New Hampshire through September 1, 2008.

74. TIOGA DOWNS – REQUEST TO EXPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on June 4, 2008, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its standardbred racing programs for wagering purposes during the remainder of 2008 to the following additional site associated with the previously approved simulcasts to TrackNet Media Group: Betharness. com, owned by Northfield Park, LLC, and operated under auspices of Churchill Downs Technology Initiatives Company.

75. For entry into the minutes, on June 5, 2008, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its standardbred racing programs for wagering purposes during the year 2008 to Scarborough Downs, Maine.

76. For entry into the minutes, on June 6, 2008, the New York State Racing and Wagering Board approved Tioga Downs request to simulcast its standardbred racing programs for wagering purposes during the remainder of 2008 to:

• Northville Downs, Michigan

2. Sol Mutuel Limited (with one [1] secondary site), Grenada.

77. VERNON DOWNS – FREE TWO DOLLAR VOUCHER PROMOTION

For entry into the minutes, on May 14, 2008, the NYS Racing and Wagering Board approved an application by American Racing-Vernon Downs, Inc. to provide one two dollar (\$2.00) betting voucher to each patron who buys a Pimlico racing program on Saturday, May 17, 2008.

78. VERNON DOWNS – REQUEST TO CHANGE A RACE DATE

For entry into the minutes, on May 22, 2008, the NYS Racing and Wagering Board approved the American Racing-Vernon Downs, Inc. request to add a day of live racing on Saturday, June 14, 2008.

In addition, the Board approved the cancellation of the previously assigned Saturday, August 16, 2008 race date.

79. VERNON DOWNS – REQUEST PERMISSION TO CONDUCT A GAS CARD REWARDS PROGRAM FROM JULY 1, 2008 THROUGH SEPTEMBER 30, 2008

For entry into the minutes, on June 27, 2008, the New York State Racing and Wagering Board approved the application of American Racing-Vernon Downs, Inc. to conduct a Gas Card Rewards Program from July 1 through September 30, 2008.

80. VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on June 12, 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 NJSEA (Meadowlands), New Jersey through June 30, 2008.

81. For entry into the minutes, on June 19, 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 Rockingham Park, New Hampshire through September 1, 2008.

82. VERNON DOWNS – REQUEST TO EXPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on June 5, 2008, the New York State Racing and

Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during the remainder of 2008 to the following additional site associated with the previously approved simulcasts to TrackNet Media Group: Betharness. com, owned by Northfield Park, LLC, and operated under auspices of Churchill Downs Technology Initiatives Company.

83. For entry into the minutes, on June 5, 2008, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during the year 2008 to Scarborough Downs, Maine.

84. For entry into the minutes, on June 12, 2008, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during the year 2008 to Sol Mutuel Limited, Grenada.

85. BATAVIA DOWNS/WESTERN REGIONAL OTB - TRIPLE CROWN POST CARD PROMOTION

For entry into the minutes, on May 22, 2008, the NYS Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation request to amend its plan of operation to conduct a Post Card promotion on June 6, 2008 for all people in the Western OTB database.

86. BATAVIA DOWNS/WESTERN REGIONAL OTB – REQUEST TO AMEND WAGERING FORMAT

For entry into the minutes, on June 12, 2008, the NYS Racing and Wagering Board approved the July 4, 2008 Batavia Downs request to amend its plan of operation by changing the wagering offered on a daily basis during the 2008 Batavia Downs meet. There will be a third daily double (on races four and five), another pick four offered on races two, three, four and five, and no pick-three wagering offered.

87. WESTERN REGIONAL OTB/BATAVIA DOWNS - REQUEST TO OFFER PLAY 21 PROMOTION

For entry into the minutes, on June 18, 2008, the NYS Racing and Wagering Board approved the Western OTB/Batavia Downs request to conduct a promotional contest entitled "21" at Batavia Downs on Saturday, August 23, 2008.

88. YONKERS RACEWAY – REQUEST FOR SATURDAY POST- TIME CHANGES/ TEN CENT SUPERFECTAS

For entry into the minutes, on May 29, 2008, the NYS Racing and Wagering Board

approved the Yonkers Raceway request to change the post-time for their initial race each Saturday evening to 6:50 p.m. for the remainder of 2008.

Yonkers Raceway was also authorized to offer ten-cent superfecta wagering provided the minimum wager is one-dollar (ten superfecta bets) when specifying a superfecta.

89. YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008

For entry into the minutes, on May 15, 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 Presque Isle Downs & Casino, Pennsylvania through September 27, 2008.

90. For entry into the minutes, on May 22, 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 Ireland and England through TRN, Inc., Pennsylvania through December 31, 2008. Approval is limited to the races specified in the application to the Board.

91. For entry into the minutes, on May 22, 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 Harrah's Louisiana Downs (thoroughbred meet), Louisiana through May 31, 2008.

92. For entry into the minutes, on May 22, 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 June 22, 2008.

93. For entry into the minutes, on May 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 Harrah's Louisiana Downs (thoroughbred meet), Louisiana through October 18, 2008.

94. For entry into the minutes, on May 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 Ocean Downs, Maryland.

95. For entry into the minutes, on June 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 NJSEA (Meadowlands/ Monmouth), New Jersey through June 30, 2008.

96. For entry into the minutes, on June 5, 2008, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from Harrah's Louisiana Downs, Louisiana.

97. For entry into the minutes, on June 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:

- Fair Meadows at Tulsa, Oklahoma through July 26, 2008
- Canterbury Park Holding Corporation, Minnesota through September 1, 2008, excluding Claiming Crown Day on August 2, 2008
- Ruidoso Downs, New Mexico through September 1, 2008
- Fairmount Park, Illinois through September 1, 2008.

98. For entry into the minutes, on June 27, 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 Tioga Downs, New York during the remainder of 2008.

99. For entry into the minutes, on June 27, 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 Vernon Downs, New York during the remainder of 2008.

100. For entry into the minutes, on June 27, 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 Grand River Raceway, Ontario, Canada for the remainder of 2008.

101. For entry into the minutes, on June 27, 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 Colonial Downs L.P. (thoroughbred meet), Virginia through August 6, 2008.

102. For entry into the minutes, on June 27, 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 NJSEA (Meadowlands/ Monmouth), New Jersey for the remainder of 2008.

103. YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008

For entry into the minutes, on May 29, 2008, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its standardbred racing programs for wagering purposes to Ocean Downs, LLC, Maryland through December 31, 2008.

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

1. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER WINNERS' CIRCLE

For entry into the minutes, on May 29, 2008, 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 operation of the Capital OTB "Winners' Circle."

2. SARATOGA GAMING AND RACEWAY – REQUEST TO MAKE ADDITIONS/ ALTERATIONS TO RENOVATE VAPOR NIGHTCLUB

For entry into the minutes, on May 29, 2008, the New York State Racing and Wagering Board approved the request by Saratoga Gaming and Raceway to make additions and alternations to Vapor Nightclub pursuant to Section 322 of the New York State Racing, Pari-Mutual Wagering and Breeding Law.

The construction approved is described in the letter submitted by Saratoga Gaming and Raceway dated May 20, 2008 and the Building Permits issued by the New York State Office of General Services dated May 15 and May 23, 2008.

3. IN THE MATTER OF THOMAS G. MILICI

The harness owner-trainer license of Thomas G. Milici was summarily suspended by the Board on April 17, 2008 based upon violation of Racing, Pari-Mutuel Wagering and Breeding Law Section 309.2 and various Board rules based upon a positive human drug test result from a sample collected on June 1, 2008.

4. NASSAU REGIONAL OTB – REQUEST FOR APPROVAL OF TWO DIRECTORS – FABIO & MALONE

For entry into the minutes, on June 17, 2008, the New York State Racing and Wagering Board approved an amendment to the Nassau Regional Off-Track Betting Corporation plan of operation to reflect the appointment of John Fabio as Vice President and Dianne E. Malone as General Counsel.

5. SUFFOLK REGIONAL OTB – REQUEST FOR EXTENSION TO FILE UNIFORM QUARTERLY REPORTS

For entry into the minutes, on June 20, 2008, the New York State Racing and Wagering Board approved the request by Suffolk Regional Off-Track Betting Corporation for a 45-day extension for the second, third and fourth quarter 2008 uniform reports. The respective due dates are now August 29, 2008 (2nd quarter report), December 1, 2008 (3rd quarter report) and March 1, 2009 (4th quarter report).

6. NYRA – REQUEST TO REPLACE SARATOGA RACE COURSE BARN 50

For entry into the minutes, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 246, on June 24, 2008, the New York State Racing and Wagering Board granted the June 16, 2008 request for approval to construct a new barn to replace Barn 50 at Saratoga Race Course, in accordance with Permit No. 24281, issued on June 16, 2008 by the City of Saratoga Springs Building Department.

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 – 2008 RACE DATES

The New York State Racing and Wagering Board acted upon the July 11, 2008 request of The New York Racing Association, Inc. to extend the approval of 2008 race dates through August 28, 2008.

Based upon the request, and in consideration of the Board's receipt of the July 11, 2008 FIFTH AMENDMENT TO STIPULATION RELATING TO, AMONG OTHER THINGS, THE OPERATION OF THE RACETRACKS, dated December 31, 2007 and the July 14, 2008 letter of the Non-Profit Racing Association Oversight Board, the Board approved the race dates requested through the earlier of (i) August 28, 2008 or (ii) further action of the Board.

3. NYRA – RACING OFFICIALS FOR 2008

The New York State Racing and Wagering Board acted upon the July 11, 2008 request of The New York Racing Association, Inc. to extend the approval of the racing officials previously approved in the Board's December 27, 2007, January 29, February 14, March 7 and April 28, 2008 letters. The Board approved an extension, which is valid only through the earlier of (i) August 28, 2008 or (ii) further action of the Board.

4. THE JOCKEY CLUB – RACING STEWARDS FOR 2008

Pursuant to Board Rules 4005.1 and 4023.1, the New York State Racing and Wagering Board approved The Jockey Club request to appoint Dr. Theodore Hill as Jockey Club Steward at Belmont Park and Saratoga Race Course through August 28, 2008 <u>only</u>.

5. NYRA – REQUEST TO AMEND INTERNET AND ACCOUNT WAGERING PLAN

The New York Racing and Wagering Board approved the New York Racing Association, Inc. request to amend its Internet and Account Wagering Plan of Operation to authorize NYRA to permit its bettors to use vouchers to fund and withdraw money from their wagering accounts including NYRA CashCard accounts. This approval is conditioned on

the requirement that such services are to beperformedin accordance with the terms of the internal controls provided on July 6, 2008, and are subject to thesame controls and conditions approved by the Board on April 26, 2007, with modifications approved November 29, 2007 and February 26, 2008, regarding NYRA's Internet and Account Wagering Plan of Operation.

The Board directed staff to make a recommendation concerning potential disciplinary action based on the conduct of this authority prior to approval.

6. NYRA – REQUEST TO ALLOW PATRONS TO USE NYRA CASH CARDS AT ANY OF ITS FACILITIES

The New York Racing and Wagering Board approved the New York Racing Association, Inc. request to amend its Internet and Account Wagering Plan of Operation to authorize NYRA to permit its bettors to use NYRA CashCards at any of its facilities (Aqueduct, Belmont, Saratoga) regardless of the facility at which it was issued. This approval is conditioned on the requirement that such services are to beperformedin accordance with thesame controls and conditions approved by the Board on April 26, 2007, with modifications approved November 29, 2007 and February 26, 2008, regarding NYRA's Internet and Account Wagering Plan of Operation.

The Board directed staff to make a recommendation concerning potential disciplinary action based on the conduct of this authority prior to approval.

7. MONTICELLO RACEWAY – REQUEST TO WITHDRAW \$41,210.57 FROM CIF

The New York State Racing and Wagering Board approved \$39,104.57 of the Monticello Raceway request to withdraw \$41,210.57 from its Capital Improvement Fund for reimbursement of the following expenditures:

Backstretch (100%)

Purchase of Pick-up Truck	\$ 4,695.80
Paving on Backstretch	23,800.00
Lumber and Drywall to enclose Barns	4,547.35
New parts purchased and installed	
in Catapillar Grader	6,061.42
Total Approved	<u>\$ 39,104.57</u>

The Board denied \$2,106.00 of the request for reimbursement for the race office floor tiles because this matter was not included in the 2007-2008 Capital Improvement Budget.

8. FINGER LAKES RACETRACK – EXEMPTION OF LICENSING FOR CERTAIN TEMPORARY EMPLOYEES

The New York State Racing and Wagering Board denied the April 28, 2008 request from Finger Lakes Gaming and Racetrack for an exemption from licensing for temporary employment of food, beverage and cleaning employees on "special" racing days.

9. IN THE MATTER OF ANDREW AARON

The New York State Racing and Wagering Board adopted the recommendation of Hearing Officer Russell H. Baller, Jr. that the appeal from the decision to disqualify and place third the horse *Sum Wish* for interference in the 7th race on November 17, 2007 at Finger Lakes Racetrack be dismissed on the basis that it is a non-reviewable judgment call.

10. IN THE MATTER OF ANTHONY COLETTA

The New York State Racing and Wagering Board deferred action on this matter pending further review.

11. IN THE MATTER OF NEVADA GOLD – VERNON DOWNS

The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller Jr.'s recommendation that the violation of Racing, Pari-Mutuel Wagering and Breeding Law Section 322, based on demolition of Barn 17 at Vernon Downs without Board approval, be upheld together with the fine in the amount of \$2500. The Board ordered that payment of the fine be stayed based on the condition that American Racing-Vernon Downs, Inc, not violate Section 322 during the five year period following the date of the Board's determination, and discharged after that period if the condition is satisfied.

12. IN THE MATTER OF BRIAN F. HORLACHER

The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the occupational license of respondent Brian F. Horlacher be suspended for sixty (60) days and that he be fined \$1,000 based upon violation of Board Rules 4120.13 and 4120.4 based on a TCO2 level in excess of the permissible levels in the pre-race

blood of the horse Rascal Blue Chip

Mr. Horlacher, which had competed at Yonkers Raceway on September 24, 2007.

13. IN THE MATTER OF BRIAN MILLS

The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Russell H. Baller, Jr. that the license of harness-groom Brian Mills be revoked based upon a finding that Mr. Mills submitted a urine specimen that tested positive for cocaine and that his experience, character and general fitness are such that his participation in racing is inconsistent with the public interest, convenience and necessity, or with the best interests of racing generally.

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14. IN THE MATTER OF GREGORY MERTON

The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller Jr.'s recommendation to uphold the eight day suspension of the driver's license of Gregory Merton based for interference in violation of Board Rule 4117.4(b), while driving "Clooney Drummond" in the second race at Yonkers Raceway on March 22, 2008. The Board directed staff to review the fitness of Mr. Merton to participate as a driver.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. INDIAN GAMING/LICENSING STATISTICS

Licensing statistics for May 1, 2008 through May 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

May 1, 2008 - May 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 between May 10, 2008 – June 10, 2008.

4. LICENSING/CURRENT LICENSE COUNT

The current racing licensing counts as of May 31, 2008 since January 1, 2008 were as follows: total receipts 7,268 and total licenses 4,392 for the year 2008.

5. 2008 LICENSED SUPPLIERS

List of licensed suppliers – manufacturer's and distributor's licenses issued for the time period of May 1, 2008 through May 31, 2008.

6. **YONKERS RACEWAY – INFORMATION RELATIVE TO PEACE OFFICERS** The conditions have been fulfilled and licenses have been issued for the following individuals who were previously approved by the Board as special policemen at Yonkers Raceway:

Andreoli, Brent

Catania, Christopher

Cognatello, John

Force, Brian

Giammareno, John

Oleskovic, John

Nannariello, Joseph

Soukas, Nicholas

Torres, Leonora

Toone, Gregory.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

Meeting adjourned at 1:37 p.m.