



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF DECEMBER 20, 2012**

A meeting of the New York State Racing and Wagering Board was held on Thursday, December 20, 2012 at 2:00 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 2:32 p.m.

In Attendance Were:

John D. Sabini, Chairman
Daniel D. Hogan, Member
Charles J. Diamond, Member
Ronald G. Ochrym, Executive Director
Rick Goodell, Assistant Counsel
Thomas Casaregola, Audits & Investigations
Kristen Buckley, Acting Secretary to the Board

Also in Attendance Were:

Lee Park, NYSR&WB
Michelle Martin, NYSR&WB
James Kellogg, NYSR&WB
Stacy Harvey, NYSR&WB
Mark Stuart, NYSR&WB
William Sekellick, NYSR&WB
Paul Campito, Flink Smith, LLC
Jim Crane, Crane Consulting Group
Mike Kane, Thoroughbred Daily News

OPEN COMMENT PERIOD: Began: 2:32 p.m. Ended: 2:32 p.m.

No comments were made.

A. The Board approved the minutes of the Board meeting held on November 29, 2012.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. BUFFALO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2012

For entry into the minutes, on November 30, 2012, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Golden Gate Fields, California through December 16, 2012.

2. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT THE BET \$50 GET \$50 PROMOTION FOR 2013

For entry into the minutes, on December 13, 2012, the New York State Racing and Wagering Board approved the December 6, 2012 application by the Capital District Regional Off-Track Betting Corporation for Blanket Approval to conduct the Bet \$50 Get \$50 promotion throughout the calendar year 2013.

3. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT ONE YEAR ANNIVERSARY PROMOTIONS

For entry into the minutes, on December 13, 2012, the New York State Racing and Wagering Board approved the December 4, 2012 application by the Capital District Off-Track Betting Corporation to conduct One Year Anniversary promotions at the Clubhouse Race Book on Saturday, January 5, 2013.

4. FINGER LAKES RACETRACK – REQUEST TO APPOINT CARL ANDERSON AS RACING SECRETARY

For entry into the minutes, on December 13, 2012, the New York State Racing and Wagering Board approved the request by Finger Lake Racing Association appointing Carl Anderson as Racing Secretary effective November 30, 2012.

5. MONTICELLO RACEWAY – REQUEST TO CONDUCT THE MONTICELLO MARATHON

For entry into the minutes, on December 13, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request by letter dated December 5, 2012 permission to conduct the Monticello Marathon which will be one trot race at 1 ¾ miles on Wednesday, December 19, 2012.

6. NYRA – REQUEST TO CHANGE POST-TIME TO 12:30 P.M.

For entry into the minutes, on December 10, 2012, the New York State Racing and Wagering Board approved the December 6, 2012 New York Racing Association

request to change their post-time from 12:20 p.m. to 12:30 p.m. on all race days at the Aqueduct Fall Meeting.

7. **NYRA – EXPORT TO VARIOUS LOCATIONS IN 2012**

For entry into the minutes, on December 13, 2012, 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 2012 to the following secondary sites associated with the previously approved simulcasts to Hawthorne Racecourse:

1. Hoffman Estates, TRA Code HOF.
2. Trackside Lockport, TRA Code LOC.

8. **WESTERN REGIONAL OTB – REQUEST TO CLOSE EZ-BET FACILITY IN CHEEKTOWAGA**

For entry into the minutes, on December 10, 2012, the New York State Racing and Wagering Board approved the request by the Western Regional Off-Track Betting Corporation to amend its plan of operation to reflect the closure of Danny’s North, an EZ Bet facility located at 3715 Genesee Street, Cheektowaga, New York 14225, effective December 14, 2012.

9. **WESTERN REGIONAL OTB – REQUEST TO CONDUCT A CHRISTMAS WAGER GIVEAWAY THAT THE MAJORITY OF THEIR BRANCHES**

For entry into the minutes, on December 13, 2012, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation request by letter dated December 5, 2012 to conduct a Christmas Wager Giveaway promotion at the majority of their branches from Monday, December 10 through Friday, December 21, 2012.

10. **YONKERS RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2012**

For entry into the minutes, on November 30, 2012, 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 Gulfstream Park, Florida from December 1 through December 31, 2012.

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

1. **BATAVIA DOWNS – REQUEST FOR BLANKET APPROVAL OF SIMLULCASTS FOR THE YEAR 2013**

For entry into the minutes, on December 3, 2012, the New York State Racing and Wagering Board approved Batavia Downs November 27, 2012 request to utilize “blanket approval” of simulcasting for the year 2013 as described in the Board’s October 26, 2012 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year

and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

2. **WESTERN REGIONAL OTB – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2013**

For entry into the minutes, on December 3, 2012, the New York State Racing and Wagering Board approved Western Regional Off-Track Betting Corporation's November 27, 2012 request to utilize "blanket approval" of simulcasting for the year 2013 as described in the Board's October 26, 2012 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

3. **MONTICELLO RACEWAY – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2013**

For entry into the minutes, on December 10, 2012, the New York State Racing and Wagering Board approved Monticello Raceway December 3, 2012 request to utilize "blanket approval" of simulcasting for the year 2013 as described in the Board's October 26, 2012 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

4. **SARATOGA RACEWAY – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2013**

For entry into the minutes, on December 10, 2012, the New York State Racing and Wagering Board approved Saratoga Casino and Raceway December 4, 2012 request to utilize "blanket approval" of simulcasting for the year 2013 as described in the Board's October 26, 2012 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

5. **CATSKILL REGIONAL OTB – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2013**

For entry into the minutes, on December 13, 2012, the New York State Racing and Wagering Board approved Catskill Regional Off-Track Betting Corporation's December 3, 2012 request to utilize "blanket approval" of simulcasting for the year 2013 as described in the Board's October 26, 2012 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year

and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

6. **NYRA – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2013**

For entry into the minutes, on December 13, 2012, the New York State Racing and Wagering Board approved the New York Racing Association December 7, 2012 request to utilize “blanket approval” of simulcasting for the year 2013 as described in the Board’s October 26, 2012 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

7. **SUFFOLK REGIONAL OTB – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2013**

For entry into the minutes, on December 13, 2012, the New York State Racing and Wagering Board approved Suffolk Regional Off-Track Betting Corporation’s December 7, 2012 request to utilize “blanket approval” of simulcasting for the year 2013 as described in the Board’s October 26, 2012 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

8. **NASSAU REGIONAL OTB – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2013**

For entry into the minutes, on December 19, 2012, the New York State Racing and Wagering Board approved Nassau Regional Off-Track Betting Corporation’s December 5, 2012 request to utilize “blanket approval” of simulcasting for the year 2013 as described in the Board’s October 26, 2012 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

9. **NOTICE OF EMERGENCY RULEMAKING – THOROUGHBRED RULEMAKING 2ND AMENDMENT**

For entry into the minutes, on December 11, 2012, the New York State Racing and Wagering Board approved the adoption by emergency rule making of amendments to replace, before their effective date, previous emergency amendments that had been approved on October 11 and scheduled to take effect on December 12, 2012. The effective date for the new emergency rules (listed below), adopted on December 11, was scheduled for December 26, 2012.

- Section 4043.2(e)(9), to prohibit the administration of “steroids” at 48 hours.
- Section 4043.2(g)(5), to prohibit the administration of “clenbuterol” at 96 hours.
- Section 4043.2(i), to prevent a horse from racing for 5 days after the systemic administration of a corticosteroid, or from racing for 7 days after a local injection of a corticosteroid, or from racing for 14 days after an administration of clenbuterol;
- Section 4043.4(b) to will require trainers to report corticosteroid joint injections to the Board and authorizes them to delegate this duty to their treating veterinarian.

D. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR EXTENSION TO FILE QUARTERLY REPORTS IN 2013

The New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation request for a 30-day extension to file the first three uniform quarterly reports in 2013. The Board also approved a 45-day extension for filing the 4th quarter December 2013 report.

2. CATSKILL REGIONAL OTB – REQUEST FOR EXTENSION TO FILE QUARTERLY REPORTS IN 2013

The New York State Racing and Wagering Board approved the Catskill Off-Track Betting Corporation request for a 30-day extension to file the first three uniform quarterly reports in 2013. The Board also approved a 45-day extension for filing the 4th quarter December 2013 report.

3. NASSAU REGIONAL OTB – REQUEST FOR EXTENSION TO FILE QUARTERLY REPORTS IN 2013

The New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request for a 30-day extension to file the first three uniform quarterly reports in 2013. The Board also approved a 45-day extension for filing the 4th quarter December 2013 report.

4. SUFFOLK REGIONAL OTB – REQUEST FOR EXTENSION TO FILE QUARTERLY REPORTS IN 2013

the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation request for a 30-day extension to file the first three uniform quarterly reports in 2013. The Board also approved a 45-day extension for filing the 4th quarter December 2013 report.

5. **WESTERN REGIONAL OTB – REQUEST FOR EXTENSION TO FILE QUARTERLY REPORTS IN 2013**

The New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation request for a 30-day extension to file the first three uniform quarterly reports in 2013. The Board also approved a 45-day extension for filing the 4th quarter December 2013 report.

6. **NYRA – 2013 RACE DATES**

The New York State Racing and Wagering Board approved the request by the New York Racing Association, Inc. for its 2013 race days as specified in its November 20, 2012 letter.

7. **NYRA – 2013 WAGERING MENU**

The New York State Racing and Wagering Board (Board) approved the request by the New York Racing Association, Inc. (NYRA) for its 2013 wagering menu as provided for in its December 7, 2012 letter. The approval is conditioned on:

- All wagering is to be conducted pursuant to the applicable New York State Codes, Rules and Regulations and the Board’s October 12, 2011 Directive regarding superfectas;
- Advance wagering for a Grade I stakes and international simulcast equivalents is limited to the circumstances set forth in the October 16 and 17, 2008 correspondence between Board staff and NYRA staff; NYRA is required to provide notice to the Board of advance wagering events prior to the conduct of advance wagering;
- Future pools hosted by NYRA will need separate approval and will be considered on a case by case basis.

8. **NYRA – 2013 RACING OFFICIALS**

Pursuant to Board Rule 4005.1, the New York State Racing and Wagering Board approved the December 14, 2012 request of The New York Racing Association, Inc. to employ the twenty-eight (28) Category I, five (5) Category II, and two (2) Category III racing officials, specified during the full year 2013 with the exception of Dr. Dianna Meyer (listed as an Examining Veterinarian), who is approved through June 30, 2013. Ms. Meyer must submit the required documentation to complete her suitability review by June 1, 2013 and the Board will make a determination at this date whether to extend its approval based on staff’s completion of her suitability review.

In addition Braulio Baeza’s approval as a Steward and Neal Cutrone and Timothy Kelly’s approval as Category III racing officials is conditioned on them attending the Racing Officials Accreditation Program offered in the spring of 2013 and submission of documentation to the Board upon the successful completion of the program. The request for approval of Jose Morales as a Placing and Patrol Judge is deferred until such time as Mr. Morales submits the required information for staff to complete his suitability review.

9. **THE JOCKEY CLUB – 2013 RACING OFFICIALS**
Pursuant to Board Rule 4023.1, the New York State Racing and Wagering Board approved the Jockey Club request to employ Dr. William Theodore Hill as Jockey Club Steward at the NYRA tracks and Mr. Donald Combs as Jockey Club Steward at Finger Lakes Racing Association for the 2013 racing seasons.
10. **BUFFALO RACEWAY – 2013 TRACK & SIMULCAST LICENSE APPLICATIONS**
The New York State Racing and Wagering Board assigned to Buffalo Trotting Association the race dates requested for the months of January, February, March and April of 2013 only.
11. **BUFFALO RACEWAY – PICK 7 TAKEOUT RATE CHANGE**
The New York State Racing and Wagering Board approved Buffalo Raceway's request to change the takeout of its Pick 7 wager to 25%. The approval is conditioned on the filing of wagering reports with the Department of Taxation and Finance after the first day of wagering.
12. **MONTICELLO RACEWAY – 2013 TRACK & SIMULCAST LICENSE APPLICATIONS**
The New York State Racing and Wagering Board assigned to Monticello Raceway the race dates requested for the months of January, February, March and April of 2013 only.
13. **YONKERS RACEWAY – 2013 TRACK & SIMULCAST LICENSE APPLICATIONS**
The New York State Racing and Wagering Board assigned to Yonkers Raceway the race dates requested for the months of January, February, March and April of 2013 only.
14. **IN THE MATTER OF GREGORY LUTHER**
The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Charles J. Diamond that the motion for summary judgment be granted and the \$50 fine of Gregory Luther for failure to come up into and stay in position during the eighth (8th) race at Buffalo Raceway on April 5, 2012 be upheld.
15. **IN THE MATTER OF JOHN MURPHY**
The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Daniel D. Hogan that the denial of the harness groom's license of John M. Murphy, because his experience, character and general fitness is such that his participation in racing or related activities in the State of New York is inconsistent with the public interest, convenience or necessity or with the best interest of racing generally, be affirmed.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for November 1, 2012 through November 30, 2012. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.

2. **LICENSING/CURRENT LICENSE COUNT**

The racing licensing counts as of November 30, 2012 since January 1, 2012 were as follows: total receipts 16,594 and total licenses 14,241 for the year 2012.

3. **GAMES OF CHANCE/BELL JAR TICKETS**

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between November 1, 2012 and November 30, 2012.

4. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from November 1, 2012 through November 31, 2012.

5. **2012 LICENSED SUPPLIERS**

List of licensed suppliers - manufacturers' and distributors' licenses issued for the time period of November 1, 2012 through November 30, 2012.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

The meeting adjourned at 3:04 p.m.