

**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF DECEMBER 27, 2007**

A meeting of the New York State Racing and Wagering Board was held on Thursday, December 29, 2007 at 10:00 a.m. at the Racing & Wagering Board's Schenectady Office located at 1 Broadway Center, Suite 600, Schenectady, New York.

The meeting was called to order at 10:07 a.m.

In Attendance Were:

Daniel D. Hogan, Chairman
Michael J. Hoblock, Jr., 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
Kevin Dempsey, Acting Secretary to the Board

Also in Attendance Were:

Daniel Toomey, NYSR&WB
Norma Soodsma, NYSR&WB
Kristen Buckley, NYSR&WB
Vivian Davis, NYSR&WB
Richard Goodell, NYSR&WB
William Sekellick, NYSR&WB
James Kellogg, NYSR&WB
Tom Spring, Capital OTB
Bob Conner, Daily Gazette
Erin Billips, Capital News 9

OPEN COMMENT PERIOD: There were no comments.

A. The Board approved the minutes of the Board meetings held on November 29, 2007.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR.

1. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR CLOSURE OF E-Z BET – PLATTSBURGH, NY

For entry into the minutes, on November 15, 2007, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation’s plan of operation to reflect the closing of the branch located at Legend’s Sports Bar at the Plattsburgh Comfort Inn effective close of business, Sunday, November 25, 2007.

2. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR CLOSURE OF E-Z BET – TUPPER LAKE, NY

For entry into the minutes, on November 15, 2007, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation’s plan of operation to reflect the closing of the branch located at Tupper Lake Lakeview Lanes, Tupper Lake, NY effective close of business, Sunday, November 18, 2007.

3. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR APPROVAL OF DECEMBER 2007 PROMOTIONS

For entry into the minutes, on November 26, 2007, the NYS Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to offer promotions during the month of December 2007 to its customers. These promotions consist of Fan Appreciation Days on December 14 at the New Lebanon branch and December 15 at both the Cleats Branch and at the Albany Teletheater.

Also, there will be a free On-line Giant Jackpot “Knockout Challenge” handicapping contest on December 14th and 28th for all Capital Bets account holders.

These promotions are subject to audit by the Board.

4. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR CLOSURE OF E-Z BET – GLOVERSVILLE, NY

For entry into the minutes, on November 30, 2007, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the Capital District Regional Off-Track Betting Corporation to reflect the closing of the Quig’s

Bar and Restaurant branch at 231 North Main Street in Gloversville, N.Y. on
November 25, 2007.

- 5. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on November 15, 2007, 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 Sunland Park, New Mexico for the remainder of 2007.
- 6. FINGER LAKES RACETRACK – REQUEST FOR TWO ADDITIONAL RACE DATES IN DECEMBER 2007**
For entry into the minutes, on November 15, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to conduct two additional live racing programs during 2007 on Monday, December 3 and Tuesday, December 4, 2007.
- 7. FINGER LAKES RACETRACK – REQUEST TO CANCEL TWO RACE DATES – DECEMBER 3 & 4, 2007**
For entry into the minutes, on December 4, 2007, the NYS Racing and Wagering Board approved Finger Lakes Racetrack request to cancel the final two live racing programs on Monday, December 3 and Tuesday, December 4, 2007.
- 8. FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on November 20, 2007, 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 Fair Grounds Race Course, Louisiana for the remainder of 2007.
- 9.** For entry into the minutes, on December 4, 2007, 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 Tampa Bay Downs, Florida for the remainder of 2007.
- 10. MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on November 20, 2007, 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 Fair Grounds Race Course, Louisiana for the remainder of 2007.
- 11. MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on November 15, 2007, 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 remainder of 2007 to Sports Creek Raceway, Michigan.

12. For entry into the minutes, on December 4, 2007, 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 remainder of 2007 to Flamboro Downs Limited, Ontario, Canada.

13. **NASSAU REGIONAL OTB – REQUEST TO OFFER NEW TELEPHONE ACCOUNT INCENTIVE PROMOTION**
For entry into the minutes, on November 16, 2007, the New York State Racing and Wagering Board approved the request of the Nassau Regional Off-Track Betting Corporation to conduct a new telephone account incentive promotion between November 29 and December 31, 2007, as specified in the November 14, 2007 application. The conduct of this promotion is subject to audit by the Board.

14. **NASSAU REGIONAL OTB – REQUEST FOR CLOSURE OF FAST TRACK – FREEPORT, NY**
For entry into the minutes, on December 6, 2007, the New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation proposal to amend their plan of operation to close the “EZ Bet, located within the 42 Wood Cleft Restaurant located in Freeport, NY in Nassau County.

15. **NASSAU REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on November 15, 2007, the New York State Racing and Wagering Board approved an amendment to the plans of operation of the Nassau Regional Off-Track Betting Corporation, Suffolk Regional 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 Chester Casino & Racetrack, Pennsylvania for the remainder of 2007.

16. For entry into the minutes, on November 15, 2007, the New York State Racing and Wagering Board approved an amendment to the simulcast plans of operation of the Nassau Regional Off-Track Betting Corporation, Suffolk Regional 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 Western Fair Association, Ontario, Canada for the remainder of 2007.

17. **NEW YORK CITY OTB – REQUEST FOR APPROVAL OF NEW MEMBER OF THE BOARD OF DIRECTORS – GOLDSTEIN**
For entry into the minutes, on November 15, 2007, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York City Off-Track Betting Corporation to reflect the appointment and qualification of Michelle Lynn Goldstein to the Board of Directors of the New York City OTB Corporation.

This approval is subject to the receipt and review by the Board of the pending federal fingerprint based criminal history report.

18. NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on November 15, 2007, 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 for the remainder of 2007.

19. For entry into the minutes, on December 6, 2007, 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, Kentucky for the remainder of 2007.

20. For entry into the minutes, on December 6, 2007, 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 Tampa Bay Downs, Florida for the remainder of 2007.

21. For entry into the minutes, on December 6, 2007, the New York State Racing and Wagering Board approved an amendment to the simulcast plan of operation of the New York City Off-Track Betting Corporation authorizing the acceptance of wagering via the internet and other electronic means specifically approved by the Board from Delta Downs, Louisiana for the remainder of 2007.

The Board further approved amendments to the simulcast plans of operation of the New York City Off-Track Betting Corporation and the Capital District Regional Off-Track Betting Corporation authorizing the acceptance of wagering via the internet and other electronic means specifically approved by the Board from Tampa Bay Downs, Florida for the remainder of 2007.

22. NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on November 15, 2007, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Sunland Park Racetrack & Casino, New Mexico for the remainder of 2007.

23. For entry into the minutes, on November 20, 2007, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Fair Grounds Race Course, Louisiana for the remainder of 2007.

24. For entry into the minutes, on November 30, 2007 the New York State Racing and Wagering Board approved an amendment to the New York Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Tampa Bay Downs, Florida for the remainder of 2007.
25. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on November 15, 2007, the New York State Racing and Wagering Board approved The New York Racing Association’s request to simulcast its thoroughbred racing programs during the remainder of 2007 to Trackside Hodgkins (Salerno-Pincente Ristorante), which is an additional secondary site associated with the previously approved simulcasts to Arlington Park, Illinois.
26. For entry into the minutes, on November 30, 2007, the New York State Racing and Wagering Board approved The New York Racing Association’s request to simulcast its thoroughbred racing programs during the remainder of 2007 to Play by Play Sports Lounge, which is an additional secondary site associated with the previously approved simulcasts to Remington Park, Oklahoma.
27. **SARATOGA GAMING AND RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on November 20, 2007, 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 Fair Grounds Race Course, Louisiana for the remainder of 2007.
28. For entry into the minutes, on November 26, 2007, 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 Tampa Bay Downs, Florida for the remainder of 2007.
29. **SARATOGA GAMING AND RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on December 4, 2007, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to simulcast its standardbred racing programs for wagering purposes during 2007 to Scioto Downs, Inc., Ohio.
30. **NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on November 20, 2007, 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 Fair Grounds Race Course, Louisiana for the remainder of 2007.

31. For entry into the minutes, on November 20, 2007, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation offering its player rewards/rebate program on imported races from Rosecroft, Maryland.
32. For entry into the minutes, on November 20, 2007, 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 Windsor Raceway Inc., Ontario, Canada for the remainder of 2007.
33. **NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on November 20, 2007, 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 Fair Grounds Race Course, Louisiana for the remainder of 2007.
34. For entry into the minutes, on November 20, 2007, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation offering its player rewards/rebate program on imported races from Rosecroft, Maryland.
35. For entry into the minutes, on November 20, 2007, 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 Windsor Raceway Inc., Ontario, Canada for the remainder of 2007.
36. **YONKERS RACEWAY – REQUEST TO OFFER SIGN-UP PROMOTION THROUGH TVG**
For entry into the minutes, on November 15, 2007, the New York State Racing and Wagering Board approved the Yonkers Raceway to offer a promotion entitled “Bet \$100 – Get \$100” to internet account wagering customers through December 31, 2007. This promotion must be conducted in accordance with the terms of the application and is subject to audit.

This approval is retroactive to the extent of including only those customers who registered for the promotion within the initial offering period and were specifically disclosed to Board staff.

This approval is without prejudice to the issuance of fines based upon the conduct of the promotion prior to Board approval.

37. YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on November 15, 2007, 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 Chester Casino & Racetrack, Pennsylvania.

38. For entry into the minutes, on November 20, 2007, 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 Assiniboia Downs, Manitoba, Canada.

39. For entry into the minutes, on November 20, 2007, 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 Scarborough Downs, Maine.

40. For entry into the minutes, on December 6, 2007, 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 Tampa Bay Downs, Florida.

41. YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007

For entry into the minutes, on December 4, 2007, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2007 to Scioto Downs, Inc., Ohio.

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

1. SUFFOLK REGIONAL OTB – REQUEST FOR EXTENSION FOR FILING QUARTERLY UNIFORM REPORTS

For entry into the minutes, on November 26, 2007, the New York State Racing and Wagering Board approved a 45-day extension for filing the 2007 third and fourth quarter uniform quarterly report. The third and fourth quarter reports will now be due on November 30, 2007 and February 29, 2008 respectively.

The Board denied the request to extend the fourth quarter due date to April 15, 2008.

2. YONKERS RACEWAY – REQUEST FOR APPROVAL OF PEACE OFFICERS

For entry into the minutes, on November 30, 2007, pursuant to Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board granted Yonkers Racing Corporation's request to approve the appointment of the individuals listed below as special policemen within and around the grounds of Yonkers Raceway. These special policemen may exercise the powers of peace officers as authorized by and in accordance with Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law and Section 2.20 of the Criminal Procedure Law.

This approval is conditioned upon satisfactory results of the evaluation of the Federal Criminal History reports for each individual. This approval is further conditioned upon the continuing compliance by Yonkers Raceway with any related requirements imposed by the Board, the Racing, Pari-Mutuel Wagering and Breeding Law, the Criminal Procedure Law, and any other governmental agencies with jurisdiction concerning these appointments.

The twenty (20) individuals approved are:

Alvarez, Yamilka
Berrios, Jose
Capozzi, Laura
Colon, David
Cutinello, Glenn
Dixon, James
Exarhakos, Billy
Fernandez, Jennifer
Gonzales, Jr., Wilson
Guevara, William
Hanson, Alfred
Kashem, Mohammed
Luong, Christopher
Muhammad, Abdul-nur
Purdy Jr., David
Rivera, Emanuel
Smith, Devin
Vairo, Joseph
Vassari, Nicholas
Velazquez, Jacqueline

Yonkers Racing Corporation must notify the Board in writing within forty-eight (48) hours after the termination of employment of any special policeman.

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

1. NEW YORK CITY OTB – SIMULCAST LICENSE APPLICATION FOR 2007

The New York State Racing and Wagering Board deferred action on New York City Off-Track Betting Corporation’s 2007 simulcast license application pending [further review](#) of matters concerning NYC OTB’s financial position.

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.

2. NASSAU REGIONAL OTB – REQUEST FOR APPROVAL OF NEW FAST TRACK – LONG BEACH, NY

The New York State Racing and Wagering Board deferred action on the request for an amendment to the Nassau Regional OTB plan of operation to authorize the operation of a “Fast Track” simulcast facility at the Minnesota Pub LB Inc. d/b/a Minnesota’s located at 959 Beech Street in Long Beach, New York 11561 in Nassau.

3. IN THE MATTER OF THOMAS GUIDO, III

The New York State Racing and Wagering Board accepted Hearing Officer Russell H. Baller, Jr.’s recommendation to uphold the determination of the Presiding Judge that the license of harness owner-trainer Thomas Guido III be suspended for sixty (60) days and a \$1,000 fine be imposed based upon the report of a TCO2 level in excess of the permissible level in the pre-race blood of the horse BUBBLEICIOUS, trained by Mr. Guido, which had raced in the 10th race at Monticello Raceway on October 3, 2006, in violation of Board Rules 4120.16 and 4120.4.

4. NOTICE OF ADOPTION – WHIP FOUL RULE (4035.2)

The New York State Racing and Wagering Board approved the adoption of a permanent amendment to subdivision (d) of section 4035.2 of 9(E) NYCRR, which is titled “Foul Riding Penalized.” This amendment will become effective upon publication in the New York State Register.

5. MONTICELLO RACEWAY – REQUEST TO WITHDRAW \$175,881.00 FROM CIF

The New York State Racing and Wagering Board approved the Monticello Raceway October 24, 2006 request to withdraw a total of \$175,881.00 from its Capital Improvement Fund for reimbursement of the following expenditure:

Backstretch (100%)

New Paddock \$175,881.00

Total Approved \$175,881.00.

6. MONTICELLO RACEWAY – REQUEST TO WITHDRAW \$44,118.41 FROM CIF

The New York State Racing and Wagering Board approved the Monticello Raceway January 24, 2007 request to withdraw a total of \$44,118.41 from its Capital Improvement Fund for reimbursement of the following expenditure.

Backstretch (100%)

New Paddock \$44,118.41

Total Approved \$44,118.41.

7. MONTICELLO RACEWAY – REQUEST TO WITHDRAW \$100,983.07 FROM CIF

The New York State Racing and Wagering Board approved the Monticello Raceway October 5, 2007 request to withdraw a total of \$100,983.07 from its Capital Improvement Fund for reimbursement of the following expenditures:

Other (91%)

Electrical Work for New Food Stand	\$8,120.92
Supplies for New Food Stand	6,084.20
1x6x10' Birch for New Food Stand	538.20
Birch Plywood for New Food Stand	568.88
Ceiling Tiles for New Food Stand	72.45
Architectural & Design Work in Simulcast Room	2,800.00
Furniture for New Simulcast Room	27,837.45
Carpeting for New Simulcast Room	3,959.85
Two New Air Conditioners for Simulcast Room	9,054.87
Wiring for New Air Conditioners for Simulcast Room	3,977.03
Install Two Air Conditioners for New Simulcast Room	3,270.51
14 New T.V.'s for Simulcast Room	7,019.48
Display Board & Cork Board for Simulcast Room	529.11
New Glass for Simulcast Room Project	5,279.40
Supplies for New Simulcast Room	109.00
Matting for Race Pictures in New Simulcast Room	120.06
Frames for Photos of Food in New Food Stand	126.58
Line Set for New Air Conditioners In Simulcast Room	198.93

Ceiling Tiles & Supplies for New Simulcast Room	1,134.36
Light & Heat Work for New Simulcast Room	4,966.86
Electrical Work for Simulcast Room	4,799.98
Cable Work from Gaming Floor to 3 rd for the Bar	<u>1,397.10</u>
Total Other	91,965.22

Backstretch (9%)

Electrical Work on New Racing Camera	9,017.85
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Total Approved **\$100,983.07.**

8. NYRA - 2008 RACE DATES

The New York State Racing and Wagering Board acted upon the October 27, 2007 New York Racing Association, Inc. request for 2008 race dates. The Board approved the race dates for the month of **January 2008 only** provided, however, that this approval is conditioned on and is of no effect unless the New York Racing Association, Inc. obtains separate authorization from the Non-Profit Racing Association Oversight Board to conduct pari-mutuel thoroughbred racing for 2008. If such authorization is not obtained as of January 1, 2008, this conditional approval is limited only to the period for which authorization is obtained.

9. NYRA – RACING OFFICIALS FOR 2008

The New York State Racing and Wagering Board approved the employment of all of the racing officials, except Diane Connor, named in the specific categories set forth in the December 5, 2007 application of the New York Racing Association, Inc. This approval is limited to the month of **January 2008 only.**

This approval is further conditioned on and is of no effect unless the New York Racing Association, Inc. obtains separate authorization from the Non-Profit Racing Association Oversight Board to conduct pari-mutuel thoroughbred racing for 2008. If such authorization is not obtained as of January 1, 2008, this conditional approval is limited only to the period for which authorization is obtained.

10. CATSKILL REGIONAL OTB – SIMULCAST LICENSE APPLICATION FOR 2008

The New York State Racing and Wagering Board granted the Catskill Regional Off-Track Betting Corporation’s simulcast license for 2008, including all sites requested in the application, except the Villa Roma in Callicoon, New York, which has closed on a temporary basis. That site will be considered by the Board upon reapplication and submission of the required \$500 simulcast license fee for the site.

The 2008 simulcast license is conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board, including:
 - a. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2008.
 - b. [Catskill Regional Off-Track Betting Corporation shall not rebate on wagers placed without the written consent of the host site.](#)

11. NASSAU REGIONAL OTB – SIMULCAST LICENSE APPLICATION FOR 2008

The New York State Racing and Wagering Board granted the Nassau Regional Off-Track Betting Corporation’s simulcast license for 2008 for all sites requested in the application.

The 2008 simulcast license is conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board, including:
 - a. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2008
 - b. Nassau Regional Off-Track Betting Corporation shall not rebate on wagers placed without the written approval of the host site.

12. SUFFOLK REGIONAL OTB – SIMULCAST LICENSE APPLICATION FOR 2008

The New York State Racing and Wagering Board granted the Suffolk Regional Off-Track Betting Corporation’s simulcast license for 2008 for all sites requested in the application.

The 2008 simulcast license is conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board, including:
 - a. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2008.
 - b. [Suffolk Regional Off-Track Betting Corporation shall not rebate on wagers placed without the written consent of the host site.](#)

13. THE JOCKEY CLUB - RACING STEWARDS FOR 2008

Pursuant to Board Rules 4005.1 and 4023.1, on December 27, 2007, the New York State Racing and Wagering Board approved The Jockey Club request to appoint the following Stewards to represent The Jockey Club during 2008. Dr. Theodore Hill at Aqueduct Racetrack and Donald Combs at the Finger Lakes Racetrack.

This approval is conditioned upon ratification of the appointments by the Board of Stewards of the Jockey Club and filing of same with Board.

This approval insofar as applicable to the appointment of the Jockey Club Steward at Aqueduct Racetrack is limited to the month of **January 2008 only**.

This approval is further conditioned on and is of no effect unless the New York Racing Association, Inc. obtains separate authorization from the Non-Profit Racing Association Oversight Board to conduct pari-mutuel thoroughbred racing for 2008. If such authorization is not obtained as of January 1, 2008, this conditional approval is limited only to the period for which authorization is obtained.

14. NEW YORK CITY OTB – NEW MEMBER OF BOARD OF DIRECTORS - MANSFIELD

The NYS Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation's plan of operation to reflect the appointment of Michael J. Mansfield as a director of the New York City Off-Track Betting Corporation. This approval is subject to the satisfactory review of a federal fingerprint-based criminal history report.

15. REVISED RULEMAKING FOR INTERNET AND ACCOUNT WAGERING

The New York State Racing and Wagering Board approved a revised rulemaking proposal, in relation to a new Subchapter C, Part 5300 of Title 9 of New York Codes Rules and Regulations to establish rules and regulations for internet and telephone account wagering systems used in connection with licensed pari-mutuel wagering activities in the State of New York.

16. CAPITAL DISTRICT REGIONAL OTB - SIMULCAST LICENSE APPLICATION FOR 2008

The New York State Racing and Wagering Board granted the Capital District Regional Off-Track Betting Corporation's simulcast license for 2008, including all sites requested in the application, except Pip's in Troy, New York, which has closed for wagering purposes on a temporary basis.

The 2008 simulcast license is conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board, including:

- a. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2008.
- b. Capital District Regional Off-Track Betting Corporation shall not rebate on wagers placed without the written consent of the host site.

17. SARATOGA GAMING AND RACEWAY – TRACK AND SIMULCAST LICENSE APPLICATIONS FOR 2008

The New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway track and simulcast licenses for 2008.

The 2008 track and simulcast licenses are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
 - a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
 - b. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Records must be maintained for two years from the date of the simulcast. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - c. Any agreement which you are party to is subject to the requirements of the host and guest jurisdictions with such provisions specifically incorporated into the contract by reference. All parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
 - d. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2008.

- e. No receiving or secondary sites may rebate on the Saratoga Gaming and Raceway races unless disclosed within the terms of the agreement as submitted to the Board for approval and **Saratoga Gaming and Raceway shall not rebate on simulcasts received without the written consent of the host site.**

The Board assigned the 168 racing programs requested for 2008. This approval reflects the December 6, 2007, Saratoga Raceway amendment to its live racing dates with the elimination of live programs on April 3, 10, 17 and 24 and the addition of September 4, 11, 18 and 25.

18. MONTICELLO RACEWAY – 2008 RACE DATES

The New York State Racing and Wagering Board assigned to Monticello Raceway the race dates requested for the month of **January 2008 only**.

The conduct of racing is subject to all applicable laws and rules, as well as all orders and directives of the Board.

19. YONKERS RACEWAY – 2008 RACE DATES

The New York State Racing and Wagering Board assigned to Yonkers Raceway the race dates requested for the month of **January 2008 only**.

The conduct of racing is subject to all applicable laws and rules, as well as all orders and directives of the Board.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. INDIAN GAMING/LICENSING STATISTICS

Licensing statistics for November 1, 2007 through November 30, 2007. Also included are the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.

2. GAMES OF CHANCE/BELL JAR TICKETS

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between November 1, 2007 – November 30, 2007.

3. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between November 8, 2007 – December 5, 2007.

4. LICENSING/CURRENT LICENSE COUNT

The current racing licensing counts as of November 30, 2007 since January 1, 2007 are as follows: total receipts 16,320 and total licenses 13,664 for the year 2007.

5. 2007 LICENSED SUPPLIERS

List of licensed suppliers and manufacturers for the time period of November 1, 2007 through November 30, 2007.

6. YONKERS RACEWAY – INFORMATION RELATIVE TO PEACE OFFICERS

The federal fingerprint history reports have been received and therefore, the conditions have been fulfilled and licenses issued to the following individuals:

Capozzi, Laura
Colon, David
Dickson, James
Hansen, Alfred
Kashem, Mohammed
Muhammad, Abdul-Nur
Smith, Devin
Velazquez, Jacqueline.

7. NYRA – “NYRA REWARDS” SECOND QUARTER RESULTS FOR 2007

The reports for the second quarter were filed on July 10, 2007 and are attached with Board Staff’s report.

8. SAS 70 TYPE II AUDIT REPORTS OF TOTALIZATOR SYSTEMS

Staff conducted a review and analysis of the internal controls and oversight of the various totalizator systems (wagering systems) in operation at New York pari-mutuel wagering facilities.

9. NYC OTB – TOTE SYSTEM INCIDENT ON FEBRUARY 5, 2007

Staff completed an investigation regarding an incident involving tote operations at New York City Off-Track Betting Corp. on February 5, 2007.

10. NYRA – REVIEW OF GUEST SIMULASTING SITES

Staff completed an audit of the New York Racing Association Inc.'s simulcasting practices. Attached is the final report.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

1. CAPITAL DISTRICT REGIONAL OTB –REQUEST TO APPOINT NEW PRESIDENT – JOHN SIGNOR

The Board approved the appointment of John Signor to the position of President of the Capital District Regional OTB effective January 1, 2008, subject to the satisfactory review of a federal fingerprint based criminal history report. This condition has been satisfied.

Meeting adjourned at 11:05 a.m.