



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF JANUARY 31, 2013**

A meeting of the New York State Racing and Wagering Board was held on Wednesday, January 31, 2013 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 1:02 p.m.

In Attendance Were:

Daniel D. Hogan, Member
Charles J. Diamond, Member
Ronald G. Ochrym, Executive Director
Edmund C. Burns, General Counsel
Thomas Casaregola, Audits & Investigations
Kristen Buckley, Acting Secretary to the Board

Also in Attendance Were:

Kenneth Council, Deputy Executive Director
Lee Park, NYSR&WB
Stacy Harvey, NYSR&WB
Michelle Martin, NYSR&WB
James Kellogg, NYSR&WB
Patrick Wade, NYSR&WB
Mark Stuart, NYSR&WB
Rick Goodell, NYSR&WB
William Sekellick, NYSR&WB
Paul Campito, Flink Smith, LLC
Jim Crane, Crane Consulting Group

OPEN COMMENT PERIOD: Began: 1:02 p.m. Ended: 1:02 p.m.

Comments were received from Jackson Leeds via e-mail and are attached to the minutes.

No other comments were made.

- A.** The Board approved the minutes of the Board meeting held on December 20, 2012 and January 15, 2013.

Member Hogan spoke of former State Track Steward, David Malone, who recently passed away.

Member Hogan also introduced Edmund C. Burns, the new General Counsel of the New York State Racing and Wagering Board and subsequently General Counsel of the New York State Gaming Commission. He also spoke of Mr. Burns former career.

Note: these comments are attached to the minutes

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. BUFFALO RACEWAY – REQUEST TO ALLOW ROBERTS COMMUNICATIONS NETWORK TO SHOW VIDEO REPLAYS VIA RCN KIOSKS

For entry into the minutes, on December 20, 2012, the New York State Racing and Wagering Board approved the request of Buffalo Trotting Association to allow Roberts Communications Network to show video replays of races from Buffalo Trotting Association using RCN kiosks services through December 31, 2013.

2. BUFFALO RACEWAY – REQUEST TO CONDUCT PICK 7 VOUCHER GIVEAWAY

For entry into the minutes, on December 20, 2012, the New York State Racing and Wagering Board approved the December 6, 2012 Buffalo Trotting Association request to conduct a Pick 7 Voucher Giveaway on Friday, January 11 and Saturday, January 12, 2013.

3. BUFFALO RACEWAY – REQUEST TO CONDUCT \$5,000 GUARANTEE ON THE PICK 4 POOL

For entry into the minutes, on January 3, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request by letter dated December 31, 2012 to conduct a \$5,000 Guaranteed Pick 4 Pool for race five through eight on Wednesdays in January, February and March beginning on Wednesday, January 9, 2013.

4. BUFFALO RACEWAY – REQUEST TO CONDUCT A HARNESS HANDICAPPING CONTEST

For entry into the minutes, on January 23, 2013, the New York State Racing and Wagering Board approved the January 21, 2013 Buffalo Trotting Association request to conduct a Harness Handicapping Contest starting with qualifiers on March 2, March 9, March 16 and March 23, 2013 and the final on Saturday, April 6, 2013.

5. **BUFFALO RACEWAY – REQUEST TO ALLOW ROBERTS COMMUNICATIONS NETWORK TO SHOW VIDEO REPLAYS VIA BUFFALORACEWAY.COM**

For entry into the minutes, on January 23, 2013, the New York State Racing and Wagering Board approved the request of Buffalo Trotting Association to allow Roberts Communication Network to show video replays of races from Buffalo Trotting Association via buffaloraceway.com through December 31, 2013.

6. **BUFFALO RACEWAY – REQUEST TO OFFER DOUBLE PLAYER REWARDS POINTS**

For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved the January 30, 2013 Buffalo Trotting Association request to offer double rewards points to all members of the Player Rewards card on all Thursdays during the month of April, 2013.

7. **BUFFALO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2013**

For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to AmWest Entertainment LLC:

1. Triple Crown, TRA Code NSC.
2. Time Out, TRA Code RCT.
3. Greenbrier OTB, TRA Code GBR.

8. For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to Lewiston Raceway:

1. Newport Jai Alai, TRA Code NJA.
2. Coeur D’Alene, TRA Code CAO.
3. Coeur D’Alene Account, TRA Code WRA.
4. Coeur D’Alene Casino, TRA Code WRL.

9. For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to Monarch Content Management:

1. New Jersey Account Wagering, TRA Code NJM.
2. Monmouth Park, TRA Code MTH.
3. Bayonne OTB, TRA Code BAY.

10. For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to Rockingham Park:
 1. Rockingham Park, TRA Code RKM.
 2. Seabrook Greyhound, TRA Code SEA
 3. New Hampshire Phone, TRA Code NHH.
11. For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes for the year 2013 to Sportsbet PTY, TRA Code TRN, a secondary site associated with the previously approved simulcasts to The Racing Network International.
12. For entry into the minutes, on January 8, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to Churchill Downs Incorporated:
 1. Hoffman Estates, TRA Code HOF.
 2. Luckity.com, TRA Code LKY.
 3. Westwego Finish Line, TRA Code WST.
13. For entry into the minutes, on January 9, 2013, the New York State Racing and Wagering Board approved Buffalo Trotting Association's request to simulcast its harness racing programs for wagering purposes to Las Vegas Dissemination Company (for the following nine [9] sites: TRA Code ETC; TRA Code ETD; TRA Code ET3; TRA Code ET4; TRA Code ET5; TRA Code ET6; TRA Code ET7; TRA Code ET8 and TRA Code ET9), Nevada for the calendar year 2013.
14. For entry into the minutes, on January 9, 2013, the New York State Racing and Wagering Board approved Buffalo Trotting Association's request to simulcast its harness racing programs for wagering purposes to Las Vegas Dissemination Company (for the following four [4] sites: TRA Code AVA; TRA Code ADH; TRA Code AV3 and TRA Code AV4), Nevada for the calendar year 2013. **Not approved** are TRA Codes: AV2 and AV5.
15. For entry into the minutes, on January 9, 2013, the New York State Racing and Wagering Board approved Buffalo Trotting Association's request to simulcast its harness racing programs for wagering purposes to Racing and Gaming Services (for the following six [6] sites: TRA Code RG1; TRA Code RG2; TRA Code RG4; TRA Code RG5; TRA Code RG6 and TRA Code RG7), St. Kitts for the calendar year 2013. **Not approved** is TRA Code: RG3.

16. For entry into the minutes, on January 9, 2013, the New York State Racing and Wagering Board approved Buffalo Trotting Association's request to simulcast its harness racing programs for wagering purposes to Premier Gateway International (for the following three [3] sites: TRA Code PGA; TRA Code TVA and TRA Code UKP), Isle of Man for the calendar year 2013.
17. For entry into the minutes, on January 9, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes to Monarch Content Management (for the following one [1] site: TRA Code PMG), California for the calendar year 2013. **Not approved** are TRA Codes: PMA and PMC.
18. For entry into the minutes, on January 9, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes to Churchill Downs Incorporated (for the following one [1] site: TRA Code VW2), Kentucky for the calendar year 2013. **Not approved** are TRA Codes: VW1, VW3, VW4, VW5, VW6, VW7, VW8 and VW9.
19. For entry into the minutes, on January 9, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to The Red Mile:
 1. Keeneland Race Track, TRA Code KEG.
 2. Turfway Park, TRA Code TUG.
 3. Ellis Park, TRA Code ELG.
 4. Kentucky Downs, TRA Code KDG.
 5. Bluegrass Downs, TRA Code BLG.
 6. Thunder Ridge, TRA Code PRG.
 7. Hazard OTB, TRA Code HAG.
 8. Kentucky OTB- Corbin, TRA Code COG.
 9. Kentucky OTB- Maysville, TRA Code MAG.
20. For entry into the minutes, on January 9, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes to Rideau Carleton Raceway (with nineteen [19] secondary sites: Atlantic Hotel, TRA Code RAL; Rubbs Barbeque, TRA Code RBB; Brockville OTB, TRA Code BLB; Royal Britannia Pub, TRA Code RRB; 730 Truck Stop, TRA Code TRU; Cornwall OTB, TRA Code COT; Rest Inn, TRA Code RIK; St. Anthony's, TRA Code RSA; Main Street Pub, TRA Code RMS; Black Bear Pub, TRA Code RTN; Ducks Road House, TRA Code DUC; Vanier Off Track, TRA Code RVA; Windsor Pub, TRA Code WIT; Quinte Bowling Center, TRA Code RQU; Coachs, TRA Code RPI; Riverside Bar and Grill, TRA Code RGA; Berrigan's Pub, TRA Code RLA; Manhattan Bar and Grill, TRA Code LEE and Ramigab Resto-Bar, TRA Code RBT), Ottawa, Canada during the calendar year 2013.

21. For entry into the minutes, on January 9, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to Colonial Downs:
 1. Paradox's OTB, TRA Code CDK.
 2. Major Willy Mayo's OTB, TRA Code CDW.
22. For entry into the minutes, on January 16, 2013, the New York State Racing and Wagering Board approved Buffalo Trotting Association's request to simulcast its harness racing programs for wagering purposes to Las Vegas Dissemination Company (for the following one [1] site: Megatote, LLC, TRA Code MGT), Nevada for the calendar year 2013.
23. For entry into the minutes, on January 16, 2013, the New York State Racing and Wagering Board approved Buffalo Trotting Association's request to simulcast its harness racing programs for wagering purposes to Lewiston Raceways, Inc. (for the following one [1] site: TRA Code BN2), Maine for the calendar year 2013. **Not approved** are TRA Codes: BN1, BN3, BN4, BN5 and BN6.
24. For entry into the minutes, please be informed that the New York State Racing and Wagering Board's letter issued January 16, 2013 approving the Buffalo Trotting Association's request to simulcast its harness racing programs for wagering purposes to Lewiston Raceway is hereby **amended to rescind approval for the site identified by TRA Code BN2.**
25. For entry into the minutes, on January 18, 2013, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes for the year 2013 to BataviaBets.com, TRA Code BAG, a secondary site associated with the previously approved simulcasts to Western Regional Off-Track Betting Corporation.
26. For entry into the minutes, on January 28, 2013, the New York State Racing and Wagering Board approved Buffalo Trotting Association's request to simulcast its harness racing programs for wagering purposes to Sol Mutuel Limited, Grenada for the calendar year 2013.
27. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR BLANKET APPROVAL TO CONDUCT THE PICK SIX CARRYOVER PROMOTION THROUGHOUT 2013**

For entry into the minutes, on January 3, 2013, the New York State Racing and Wagering Board approved the December 7, 2012 application by the Capital District Regional Off-Track Betting Corporation for blanket approval to conduct the Pick Six Carryover promotion throughout the calendar year 2013.

28. **CAPITAL DISTRICT REGIONAL OTB – JANUARY 2013 PROMOTIONS**
For entry into the minutes, on January 3, 2013, the New York State Racing and Wagering Board approved the December 10, 2012 application by the Capital District Regional Off-Track Betting Corporation to conduct the specified handicapping contests and promotion events for January, 2013.
29. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT THE 2013 CAPITAL OTB HANDICAPPING SERIES**
For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board approved the December 17, 2012 application by the Capital District Regional Off-Track Betting Corporation to conduct the 2013 Capital District Regional OTB Handicapping Series throughout the calendar year 2013.
30. **CAPITAL DISTRICT REGIONAL OTB – FEBRUARY 2013 PROMOTIONS**
For entry into the minutes, on January 28, 2013, the New York State Racing and Wagering Board approved the January 15, 2013 application by the Capital District Regional Off-Track Betting Corporation to conduct the specified handicapping contests and promotion events for February, 2013.
31. **CAPITAL DISTRICT REGIONAL OTB – REQUEST BLANKET APPROVAL TO CONDUCT THE PICK SIX CARRYOVER BONUS PROMOTION**
For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved the January 25, 2013 application by the Capital District Regional Off-Track Betting Corporation for blanket approval to conduct the Pick Six Carryover Bonus promotion throughout the calendar year 2013.
32. **CAPITAL DISTRICT REGIONAL OTB – REQUEST BLANKET APPROVAL TO CONDUCT DOUBLE REWARDS POINTS DAYS**
For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved the January 25, 2013 application by the Capital District Regional Off-Track Betting Corporation for blanket approval to conduct Double Rewards Points Days throughout the calendar year 2013.
33. **CATSKILL REGIONAL OTB – REQUEST FOR BLANKET APPROVAL TO CONDUCT “INSTANT WINNER” VOUCHER PROMOTIONS THROUGHOUT THE CALENDAR YEAR 2013**
For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board approved the December 3, 2012 application by the Catskill Regional Off-Track Betting Corporation for blanket approval to conduct various “Instant Winner” voucher promotions throughout the calendar year 2013.
34. **CATSKILL REGIONAL OTB – REQUEST FOR BLANKET APPROVAL TO CONDUCT VARIOUS HANDICAPPING EVENTS DURING THE CALENDAR YEAR 2013**
For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board approved the December 3, 2012 application by the Catskill Regional Off-Track Betting Corporation for blanket approval to conduct various handicapping tournaments and contests throughout the calendar year 2013.

35. **FINGER LAKES RACETRACK – REQUEST FOR BLANKET APPROVAL TO CONDUCT VARIOUS PROMOTIONS AND CONTESTS THROUGHOUT 2013**

For entry into the minutes, on January 7, 2013, the New York State Racing and Wagering Board approved the December 6, 2012 application by the Finger Lakes Racing Association, Inc. for blanket approval to conduct the following promotions and contests throughout the calendar year 2013:

1. \$1,000 Hit The Board Eliminator Challenge.
2. \$2,500 Finger Lakes Handicapping Challenges.
3. Finger Lakes Handicapping Challenge Finals.
4. Horse Racing Bingo.
5. Triple Crown Glass Giveaways.
6. Kentucky Derby Hat Contest.
7. Family Fun Days At The Races.
8. Club 55.

36. **MONTICELLO RACEWAY – REQUEST TO ALLOW SARATOGA CASINO AND RACEWAY TO SHOW VIDEO REPLAYS**

For entry into the minutes, on January 3, 2013, the New York State Racing and Wagering Board approved the request of Monticello Raceway to allow Saratoga Casino and Raceway to show video replays of races from Monticello Raceway through December 31, 2013.

37. **MONTICELLO RACEWAY – REQUEST TO ALLOW VARIOUS ENTITIES TO SHOW VIDEO REPLAYS**

For entry into the minutes, on December 20, 2012, the New York State Racing and Wagering Board approved the request of Monticello Raceway to allow the following entities to show video replays of races from Monticello Raceway through December 31, 2013:

1. New Meadowlands Racetrack, LLC
2. Sportech Venues, Inc.
3. eBet Technologies, Inc.
4. Harness Horse Breeders of NYS, Inc.
5. New Jersey Account Wagering
6. Suffolk Downs Racecourse
7. Southland Park Gaming and Racing
8. Xpress Bet
9. TrackMaster
10. United States Trotting Association
11. Winners Bayonne OTW.

38. **MONTICELLO RACEWAY – REQUEST TO ALLOW VARIOUS ENTITIES TO SHOW VIDEO REPLAYS**

For entry into the minutes, on December 20, 2012, the New York State Racing and

Wagering Board approved the request of Monticello Raceway to allow the following entities to show video replays of races from Monticello Raceway through December 31, 2013:

1. Freehold Raceway- Via in house replay kiosks
2. Favorites at Toms River- Via in house replay kiosks
3. Lien Games Racing, LLC- Via affiliate websites
4. Balmoral and Maywood Park- Via betzotic.com.

39. MONTICELLO RACEWAY – REQUEST TO CONDUCT THE AU REVOIR RACE

For entry into the minutes, on December 20, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request by letter dated December 18, 2012, for permission to conduct the Au Revoir Race on Thursday, December 27, 2012.

40. MONTICELLO RACEWAY – REQUEST TO CONDUCT THREE RACING SERIES IN JANUARY 2013

For entry into the minutes, on December 20, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request by letter dated December 11, 2012 to conduct the following three racing series in January 2013:

1. Bev’s Sandy for Pacers- Preliminary Legs January 7, January 14, January 21 and the finals and consolation on January 28, 2013.
2. Ruby Doby Doo for Filly and Mare Pacers- Preliminary Legs January 7, January 14, January 21 and the finals and consolation on January 28, 2013.
3. Carlspur for Horses and Geldings- Preliminary Legs January 8, January 15, January 22 and the finals and consolation on January 29, 2013.

41. MONTICELLO RACEWAY – REQUEST TO ALLOW ATLANTIC CITY CASINOS TO SHOW VIDEO REPLAYS

For entry into the minutes, on January 8, 2013, the New York State Racing and Wagering Board approved the request of Monticello Raceway to allow Atlantic City Casinos to show video replays of races from Monticello Raceway through December 31, 2013.

42. MONTICELLO RACEWAY – REQUEST TO CONDUCT THREE RACING SERIES IN FEBRUARY 2013

For entry into the minutes, on January 16, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request by letter dated January 8, 2013 to conduct the following three racing series in February 2013:

1. Name Your Price Filly And Mare Pacers- Preliminary Legs February 4, February 11, February 19 and the finals and consolation on February 25, 2013.
2. Name Your Price For Horses and Geldings- Preliminary Legs February 6, February 13, February 20 and the finals and consolation on February 27, 2013.
3. B’s Startrek For Trotters- Preliminary Legs February 7, February 14, February 21 and the finals and consolation on February 28, 2013.

43. **MONTICELLO RACEWAY – REQUEST TO ALLOW US OFF-TRACK, LLC TO SHOW VIDEO REPLAYS**
For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved the request of Monticello Raceway to allow US Off-Track, LLC to show video replays of races from Monticello Raceway through December 31, 2013.
44. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**
For entry into the minutes, on December 20, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to Sportsbet Pty, LTD, a secondary site associated with the previously approved simulcasts to The Racing Network International.
45. For entry into the minutes, on December 26, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to the following secondary sites associated with the previously approved simulcasts to Woodbine Entertainment Group:
1. Café Courses Laval OTB, TRA Code CJ5.
 2. Point-Claire OTB, TRA Code CJ6.
 3. Square Decaire OTB, TRA Code CJ7.
46. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2013**
For entry into the minutes, on December 20, 2012, the New York State Racing and Wagering Board approved Monticello Raceway’s request to simulcast its harness racing programs for wagering purposes to Churchill Downs Incorporated (for the following two [2] sites: International Wagering Customers, TRA Code YBG; Velocity Wagering Limited, TRA Code VW2), Kentucky for the calendar year 2013. **Not approved** are the following TRA Codes: VW1, VW3, VW4, VW5, VW6, VW7, VW8 and VW9.
47. For entry into the minutes, on January 3, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to Paradox’s OTB, TRA Code CDK, a secondary site associated with the previously approved simulcasts to Colonial Downs.
48. For entry into the minutes, on January 7, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to Rocky Mountain Turf Club:

1. Backstreet Pub & Pizza, Lethbridge AB, TRA Code BTP.
 2. Cosmopolitan Hotel, Blairmore AB, TRA Code CPH.
 3. Ducks On The Roof, Cochrane AB, TRA Code DUR.
 4. Strathmore Hotel, Strathmore AB, TRA Code SH2.
49. For entry into the minutes, on January 7, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to Northlands Park:
1. Champs Sports Lounge, Grand Prairie AB, TRA Code CSB.
 2. Evergreen Park, Grand Prairie AB, TRA Code EGP.
 3. Longshots, Fort McMurray AB, TRA Code LGS.
 4. Skips Sports Bar, Calmar AB, TRA Code SKB.
 5. Smoky Lake Inn, Smoky Lake AB, TRA Code SML.
 6. Players Club, Camrose AB, PYC.
50. For entry into the minutes, on January 8, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to Greenbrier OTB, TRA Code GBR, a secondary site associated with the previously approved simulcasts to AmWest Entertainment LLC.
51. For entry into the minutes, on January 8, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to The Red Mile:
1. Ellis Park, TRA Code ELG.
 2. Kentucky Downs, TRA Code KDG.
 3. Churchill Downs, TRA Code CDG.
 4. Bluegrass Downs, TRA Code BLG.
 5. Thunder Ridge, TRA Code PRG.
 6. Turfway Park, TRA Code TUG.
52. For entry into the minutes, on January 8, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to Churchill Downs Incorporated (**Not approved** are: TRA Code VW1, TRA Code VW3, TRA Code VW4, TRA Code VW5, TRA Code VW6, TRA Code VE7, TRA Code VW8 and TRA Code VW9):
1. Keeneland Race Track, TRA Code KEG.
 2. Turfway Park, TRA Code TUG.
 3. Ellis Park, TRA Code ELG.
 4. Red Mile, TRA Code REM.

5. Kentucky Downs, TRA Code KDG.
 6. Bluegrass Downs, TRA Code BLG.
 7. Thunder Ridge, TRA Code PRG.
 8. Hazard OTB, TRA Code HAG.
 9. Kentucky OTB- Corbin, TRA Code COG.
 10. Kentucky OTB- Jamestown, TRA Code JAG.
 11. Kentucky OTB- Maysville, TRA Code MAG.
 12. Trackside- Louisville, TRA Code CDG.
 13. Westwego Finish Line, TRA Code WST.
 14. Miami Valley Gaming & Racing LLC d/b/a Lebanon Raceway, TRA Code LEB.
53. For entry into the minutes, on January 23, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to BataviaBets.com, TRA Code BAG, a secondary site associated with the previously approved simulcasts to Western Regional Off-Track Betting Corporation.
 54. For entry into the minutes, on January 23, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to Connecticut Internet Wagering, TRA Code CTW, a secondary site associated with the previously approved simulcasts to Sportech Venues Inc.
 55. For entry into the minutes, on January 28, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes to Sol Mutuel, LTD (for the following one [1] site: The Odds Broker PTY Limited), Grenada for the calendar year 2013.
 56. For entry into the minutes, on January 28, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes to Louisiana Downs (with one [1] secondary site: Louisiana Downs OTB, TRA Code LDT), Louisiana for the calendar year 2013.
 57. For entry into the minutes, on January 28, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes to Turfway Park (with seven [7] secondary sites: Kentucky Downs, TRA Code KDG; Track Side at Churchill Downs; Ellis Park, TRA Code ELP; Kentucky OTB's, TRA Code KOT; Bluegrass Downs, TRA Code BLG; Keeneland, TRA Code KEG and Thunder Ridge), Kentucky for the calendar year 2013.
 58. For entry into the minutes, on January 28, 2013, the New York State Racing and Wagering Board approved Monticello Raceway's request to simulcast its harness

racing programs for wagering purposes to Racing and Gaming Services (for the following six [6] sites: TRA Code RG1; TRA Code RG2; TRA Code RG4; TRA Code RG6; TRA Code RG7 and TRA Code RG8), St. Kitts for the calendar year 2013.

59. For entry into the minutes, on January 28, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to US Off-Track Phone Wagering, TRA Code GYC, a secondary site associated with the previously approved simulcasts to US Off-Track, LLC.
60. For entry into the minutes, on January 28, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to the following secondary sites associated with the previously approved simulcasts to Hipodromo de Agua SA Caliente:
 1. Tijuana XVI.
 2. Chihuahua IV.
 3. DF XXXVI.
 4. Mexico XXV.
 5. San Luis Potosi II.
 6. Villahermosa III.
 7. St. Maarten IV.
61. For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes to Premier Gateway International (for the following fifteen [15] sites: TRA Code IOM; TRA Code WCP; TRA Code GTN; TRA Code KZN; TRA Code MPU; TRA Code NCA; TRA Code NRT; TRA Code TFS; TRA Code TNW; TRA Code CLU; TRA Code PG; TRA Code SA1; TRA Code SA2; TRA Code SA3 and TRA Code SAN), Isle of Man for the calendar year 2013.
62. For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to Five Star Bingo, TRA Code WUF, a secondary site associated with the previously approved simulcasts to Rocky Mountain Turf Club.
63. For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to Medicine Hat Lodge, TRA Code MHL, a secondary site associated with the previously approved simulcasts to Rocky Mountain Turf Club.

64. **NASSAU REGIONAL OTB – REQUEST FOR BLANKET APPROVAL TO CONDUCT PLAYER REWARDS BONUS POINTS PROMOTION**
For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board approved the December 3, 2012 application by the Nassau Regional Off-Track Betting Corporation for blanket approval to conduct the Player Rewards Bonus Points promotion for the calendar year 2013.
65. **NASSAU REGIONAL OTB – REQUEST FOR BLANKET APPROVAL TO CONDUCT \$50 DEPOSIT BONUS PROMOTION**
For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board approved the December 3, 2012 application by the Nassau Regional Off-Track Betting Corporation for blanket approval to conduct the \$50 Deposit Bonus for new Nassau OTB wagering account holders for the calendar year 2013.
66. **NASSAU REGIONAL OTB – REQUEST TO CONDUCT VARIOUS HANDICAPPING CONTESTS DURING THE CALENDAR YEAR 2013**
For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board approved the December 3, 2012 application by the Nassau Regional Off-Track Betting Corporation for blanket approval to conduct the following handicapping contests throughout the calendar year 2013:
1. 2013 Yonkers Harness Handicapping Contest.
 2. “Fall Fling” and “Spring Fling” Handicapping Contests.
 3. Palace Crown Handicapping Tournament.
67. **NYRA – REQUEST TO OFFER GUARANTEED POOLS DURING THE 2013 AQUEDUCT RACE TRACK WINTER RACE MEET**
For entry into the minutes, on January 3, 2013, the New York State Racing and Wagering Board approved the December 22, 2012 New York Racing Association request to offer a guaranteed Pick 4 pool of \$250,000 on all Saturdays during the 2013 Aqueduct Race Track Winter Race Meets beginning January 5, 2013, except for April 6, 2013, where there will be a \$500,000 guaranteed All Stakes Pick 4 pool.
68. **NYRA – REQUEST FOR APPRENTICE JOCKEY EXTENSION – JOSE L. ORTIZ**
For entry into the minutes, on January 16, 2013, the New York State Racing and Wagering Board approved an extension of the weight allowance for apprentice jockey Jose L. Ortiz for an additional forty-five (45) days until March 15, 2013 due to an injury and cancellations due to weather.
69. **NYRA – REQUEST APPROVAL OF NEW RACING OFFICIAL – CAROLYN KONDR**
For entry into the minutes, pursuant to Board Rule 4005.1, on January 31, 2013, the New York State Racing and Wagering Board approved the request of the New York State Racing Association to employ Dr. Carolyn Kondra as a lasix veterinarian for the remainder of the 2013 racing season.

70. **NYRA – EXPORT TO VARIOUS LOCATIONS IN 2012**
For entry into the minutes, on December 20, 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 Whiskey River, TRA Code BDW, a secondary site associated with the previously approved simulcasts to Arapahoe Park.
71. **NYRA – EXPORT TO VARIOUS LOCATIONS IN 2013**
For entry into the minutes, on January 3, 2013, 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 Rosecroft Raceway, Maryland for the calendar year 2013.
72. For entry into the minutes, on January 3, 2013, 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 2013 to the following secondary sites associated with the previously approved simulcasts to Monarch Content Management:
1. Hialeah Park, TRA Code HIA.
 2. Saddle Brook Park LLC, TRA Code SBP.
73. For entry into the minutes, on January 18, 2013, the New York State Racing and Wagering Board gave temporary approval to the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes to Racing Gaming Services, Inc. (for the following nine [9] sites: TRA Code: RGS, RGW, RG1, RG2, RG4, RG5, RG6, RG7, RG8) until March 1, 2013.
74. For entry into the minutes, on January 18, 2013, the New York State Racing and Wagering Board gave temporary approval to the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes to LVDC-Elite Inc. (for the following nine [9] sites: TRA Code: ETD, ET1, ET3, ET4, ET5, ET6, ET7, ET8, ET9) until March 1, 2013. **Not approved** is Elite 10 (ETA).
75. For entry into the minutes, on January 23, 2013, 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 2013 to Jackpot Casino, TRA Code JRD, a secondary site associated with the previously approved simulcasts to Rocky Mountain Turf Club.
76. For entry into the minutes, on January 23, 2013, 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 2013 to Bankers Casino, TRA Code SLS, a secondary site associated with the previously approved simulcasts to Monarch Content Management.

77. For entry into the minutes, on January 31, 2013, 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 2013 to the following secondary sites associated with the previously approved simulcasts to Arapahoe Park:
1. Sundance Steakhouse and Saloon, TRA Code SUS.
 2. Post Time at Copperhead, TRA Code CHD.
78. For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved New York Racing Association's request to simulcast its thoroughbred racing programs for wagering purposes to Churchill Downs Incorporated (for the following two [2] sites: International Wagering Customers, TRA Code YBG; Velocity Wagering Limited, TRA Code VW2), Kentucky for the calendar year 2013. **Not approved** is the following TRA Code: VW1.
79. For entry into the minutes, on January 31, 2013, 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 2013 to Westwego Fair Grounds OTB Casino, TRA Code FLW, a secondary site associated with the previously approved simulcasts to Churchill Downs Incorporated.
80. For entry into the minutes, on January 31, 2013, 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 Premier Gateway International (for the following thirteen [13] sites: TRA Code TVA; TRA Code WCP; TRA Code GTN; TRA Code KZN; TRA Code MPU; TRA Code NCA; TRA Code NRT; TRA Code TFS; TRA Code TNW; TRA Code CLU; TRA Code UKP; TRA Code ECP and TRA Code SAL), Isle of Man for the calendar year 2013.
81. **SARATOGA HARNESS – REQUEST TO CONDUCT A FREE NYRA CALENDAR GIVEAWAY**
 For entry into the minutes, on December 20, 2012, the New York State Racing and Wagering Board approved the December 6, 2012 Saratoga Casino and Raceway request to conduct a Free NYRA Calendar Giveaway to members of their Daily Rewards program.
82. **SARATOGA HARNESS – REQUEST TO CONDUCT A “4% DEPOSIT BONUS” PROMOTION DURING 2013**
 For entry into the minutes, on December 20, 2012, the New York State Racing and Wagering Board approved the October 26, 2012 application by Saratoga Casino and Raceway to conduct the “4% Deposit Bonus” throughout the calendar year 2013.
83. **SARATOGA HARNESS – REQUEST BLANKET APPROVAL TO CONDUCT SARATOGABETS FACEBOOK PROMOTION**
 For entry into the minutes, on January 16, 2013, the New York State Racing and Wagering Board approved the January 7, 2013 application by Saratoga Casino and

Raceway for blanket approval to conduct “SaratogaBets Facebook” promotions throughout the calendar year 2013, with the first being held on Saturday, January 26, 2013.

84. SARATOGA HARNESS – REQUEST BLANKET APPROVAL TO CONDUCT VARIOUS PROMOTIONS DURING THE CALENDAR YEAR 2013

For entry into the minutes, on January 16, 2013, the New York State Racing and Wagering Board approved the January 14, 2013 application by the Saratoga Casino and Raceway to conduct the following promotions throughout the calendar year 2013:

1. ShowTime Online Handicapping Contests
2. 5% Anti-Surcharge Promotions
3. 5% Bonus Promotion
4. Free Past Performances
5. Free Pinpocket Deposits
6. Refer-A-Player \$50 Payday
7. Free Compubet Data
8. Holiday Bonus Event
9. Breeders’ Cup Mystery Voucher Promotion.

85. SUFFOLK REGIONAL OTB – REQUEST TO AMEND PLAN OF OPERATION - QWIK BET CLOSURE – BRUNO’S VILLAGE RESTAURANT

For entry into the minutes, on January 23, 2013, the New York State Racing and Wagering Board approved the request by the Suffolk Regional Off-Track Betting Corporation to amend its plan of operation to reflect the closure of Bruno’s Village Restaurant, a Qwik Bet facility located at 451 Hawkins Avenue, Lake Ronkonkoma, New York 11779, effective immediately.

86. SUFFOLK REGIONAL OTB – REQUEST TO HOLD 2013 MARCH HANDICAPPING CONTEST

For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved the January 29, 2013 Suffolk Regional Off-Track Betting Corporation request to conduct a Handicapping Contest at the Racing Forum, 690 Motor Parkway, Hauppauge, N.Y. 11788 on Saturday, March 16, 2013.

87. TIOGA DOWNS – REQUEST TO MOVE QUALIFIERS AND MOVE TO A FOUR DAY BOX ON DRAWS

For entry into the minutes, on January 16, 2013, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated January 8, 2013 to move their qualifiers to Saturday evenings at 5:00pm before live races and to move to a four day box on draws.

88. TIOGA DOWNS – REQUEST FOR BLANKET APPROVAL TO CONDUCT HANDICAPPING CONTESTS IN 2013

For entry into the minutes, on January 14, 2013, the New York State Racing and Wagering Board approved the January 4 and January 14, 2013 application by Tioga Downs to conduct handicapping contests throughout the calendar year 2013.

89. **TIOGA DOWNS – REQUEST TO CONDUCT RACE USING “OLD-STYLE” RACE BIKES**
For entry into the minutes, on January 28, 2013, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated January 9, 2013 to conduct a race using only “Old Style” race bikes on Friday, May 24, 2013.
90. **TIOGA DOWNS – REQUEST TO HOST STAKES RACES DURING 2013**
For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated January 21, 2013 to conduct the following racing series during the 2013 racing season:
1. Empire Breeders’ Classic
 2. Kindergarten Classic
 3. Roll With Joe Pace
 4. Artiscap Pace
 5. Miss Versatility Trot
91. **VERNON DOWNS – REQUEST FOR BLANKET APPROVAL TO CONDUCT HANDICAPPING CONTESTS IN 2013**
For entry into the minutes, on January 16, 2013, the New York State Racing and Wagering Board approved the January 4 and January 14, 2013 application by Vernon Downs to conduct handicapping contests throughout the calendar year 2013.
92. **VERNON DOWNS – REQUEST TO HOST STAKES RACES DURING 2013**
For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved the Vernon Downs request by letter dated January 21, 2013 to conduct the following racing series during the 2013 racing season:
1. Empire Breeders’ Classic
 2. Kindergarten Classic
 3. Muscle Hill Trot
 4. Credit Winner Trot
93. **WESTERN REGIONAL OTB – REQUEST TO CONDUCT WAGER GIVEAWAY AT THE EAST MAIN STREET, EAST ROCHESTER EZ-BET LOCATION**
For entry into the minutes, on January 10, 2013, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation request by letter dated January 8, 2013 to conduct a Wager Giveaway promotion at the Grand Opening Event of the East Main Street, East Rochester EZ Bet location on Friday, January 11, 2013.
94. **WESTERN REGIONAL OTB – REQUEST TO CLOSE EZ-BET FACILITY IN HOLLAND**
For entry into the minutes, on January 28, 2013, 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 Holland Willows; an EZ Bet facility located at 177 Savage Road, Holland, New York 14080, effective February 3, 2013.

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

For entry into the minutes, on December 20, 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 Santa Anita Park, California from December 26 through December 31, 2012.

96. **YONKERS RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**

For entry into the minutes, on December 26, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to the following secondary sites associated with the previously approved simulcasts to Woodbine Entertainment Group:

1. Café Courses Laval OTB, TRA Code CJ5.
2. Point-Claire OTB, TRA Code CJ6.
3. Square Decaire OTB, TRA Code CJ7.

97. **YONKERS RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2013**

For entry into the minutes, on January 18, 2013, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to BataviaBets.com, TRA Code BAG, a secondary site associated with the previously approved simulcasts to Western Regional Off-Track Betting Corporation.

98. For entry into the minutes, on January 23, 2013, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to Sportsbet PTY, TRA Code TRN, a secondary site associated with the previously approved simulcasts to The Racing Network International.

99. For entry into the minutes, on January 23, 2013, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to Connecticut Internet Wagering, TRA Code CTW, a secondary site associated with the previously approved simulcasts to Sportech Venues Inc.

100. For entry into the minutes, on January 28, 2013, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to WatchandWager, LLC (with one [1] secondary site: link2bet.com), California for the calendar year 2013.

101. For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing

programs for wagering purposes to Churchill Downs Incorporated (for the following two [2] sites: International Wagering Customers, TRA Code YBG; Velocity Wagering Limited, TRA Code VW2), Kentucky for the calendar year 2013.

102. For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes for the year 2013 to Five Star Bingo, TRA Code WUF, a secondary site associated with the previously approved simulcasts to Rocky Mountain Turf Club.

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

1. YONKERS RACEWAY – RENOVATIONS/REMODELING

For entry into the minutes, on December 26, 2012, the New York State Racing and Wagering Board approved the construction work detailed in the Office of General Services Construction permit dated December 11, 2012. This work is related to the current expansion of the Yonkers Raceway/Empire City facility. This request was approved pursuant to section 322 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

2. FINGER LAKES RACETRACK – GAMING FACILITY EXPANSION

For entry into the minutes, on December 31, 2012, the New York State Racing and Wagering Board approved the construction work detailed in the Office of General Services Construction permit dated December 21, 2012. This work is related to the current expansion of the Finger Lakes gaming facility. This request was approved pursuant to section 246 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

3. MONTICELLO RACEWAY – REQUEST A MAXIMUM OF FOUR NINE-HORSE FIELDS FOR JANUARY, FEBRUARY & MARCH 2013

For entry into the minutes, on January 4, 2013, the New York State Racing and Wagering Board authorized Monticello Raceway to use nine (9) horse fields in overnight races during January, February and March of the 2013 racing season at Monticello Raceway.

4. YONKERS RACEWAY – REQUEST FOR APPROVAL OF SPECIAL POLICEMEN FOR 2013

For entry into the minutes, on January 4, 2013, pursuant to Section 312 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board (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 New York State Racing, Pari-Mutuel Wagering and Breeding Law and Section 2.20 of the Criminal Procedure Law.

This approval was conditioned upon the continuing compliance by Yonkers Raceway with any related requirements imposed by the Board, the New York State Racing, Pari-Mutuel Wagering and Breeding Law, the Criminal Procedure Law, and by any other governmental agencies with jurisdiction concerning these appointments.

The twenty-four (24) individuals approved are:

1. Samer Abu-Mallouh
2. Joshua Belloise
3. Robert Branda
4. Christopher Campbell
5. Dominic Cincotta
6. Ashraf Degia
7. Steven DiLauria
8. Joseph Eady
9. Anthony Fernandez
10. Margarita Hall
11. Jason Hetcher
12. John Hunt
13. Marcus Hunte
14. George Kielb
15. Charles Kimble
16. Abraham Kiryako
17. Victor Lebron
18. David Martirosians
19. Maksim Ndoj
20. Madeline Ocasio
21. Neil Olley
22. Jonathan Sussman
23. Carolann Villara
24. Justin Wasicsko

5. **FINGER LAKES RACETRACK – GAMING FACILITY EXPANSION 2ND PERMIT**

For entry into the minutes, on January 9, 2013, the New York State Racing and Wagering Board approved the construction work detailed in the Office of General Services Construction permit dated January 7, 2013. This work is related to the current expansion of the Finger Lakes gaming facility. This request was approved pursuant to section 246 of the Racing Law.

6. **NYRA – REQUEST FOR RACING OFFICIAL – EXAMINING VETERINARIAN - SARAH HINCHLIFFE**

For entry into the minutes, pursuant to Board Rule 4005.1, on January 16, 2013, the New York State Racing and Wagering Board approved the request of the New York Racing Association to employ Dr. Sarah Hinchliffe as an examining veterinarian for the remainder of the 2013 racing season.

7. **MONTICELLO RACEWAY – AMENDMENT TO CERTIFICATE OF INCORPORATION**
For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board approved amendments to the Certificate of Incorporation of Monticello Raceway Management, Inc. to identify its racetrack location as the Town of Thompson, Sullivan County, and to authorize additional directors.
8. **IN THE MATTER OF TIMOTHY PROVOST – SUMMARY SUSPENSION**
For entry into the minutes, on December 20, 2012, the New York State Racing and Wagering Board summarily suspended the harness owner’s license of Timothy Provost based upon a finding that the public safety and welfare imperatively required this emergency action.
9. **IN THE MATTER OF RORY J. ADAMS**
For entry into the minutes, on January 11, 2013, the New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Daniel D. Hogan to uphold the refusal of the harness racing owner, trainer and groom’s license of Rory J. Adams based upon his violation of Board Rule 4119.11 be upheld and to deem his appeal withdrawn.
10. **MOTION TO REOPEN THE MATTER OF RICHARD E. DUTROW, JR.**
For entry into the minutes, on January 15, 2013, the New York State Racing and Wagering Board denied an application to reopen the above proceeding after considering such application, made by letter dated January 4, 2013, and Assistant Counsel Rick Goodell’s email dated January 14, 2013 in opposition.

Mr. Dutrow’s motion was denied because it failed to meet the requirements of Rule 5402.10(c)(2). It was not supported by sworn testimony or specific facts: the alleged new witness was not identified, neither the subject matter nor the facts to which the witness would be expected to testify were stated, and the Board witness whom allegedly would be contradicted was not identified. His motion also failed to show his due diligence to discover witnesses prior to the hearing and why the witness was not available at the time of the hearing. His motion failed to establish any compelling reasons for the reopening, and made no attempt to explain the delay in having made this motion.
11. **IN THE MATTER OF KENNETH J. DEVAUX**
For entry into the minutes, on January 31, 2013, the New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Charles J. Diamond that the pari-mutuel harness racing license of Kenneth J. Devaux be revoked and that, dating from his summary suspension by the Board on June 1, 2012, he be declared ineligible to be licensed as a driver in pari-mutuel harness racing for 36 months or as an owner or trainer for 12 months; and that as a patron or otherwise he be denied the privileges of the grounds of all pari-mutuel harness tracks in the State of New York. This final agency action and its preceding summary suspension by the Board was because Mr. Devaux violated the license conditions he signed on

September 9, 2009, in that, he intentionally interfered with another driver, causing injury, during a race at Monticello Raceway on May 24, 2012, and he drove in a manner inconsistent with winning a race at Monticello Raceway on October 25, 2011.

D. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. CAPITAL DISTRICT REGIONAL OTB – 2013 SIMULCAST LICENSE APPLICATION

The New York State Racing and Wagering Board granted the Capital District Regional Off-Track Betting Corporation simulcast license for 2013 for thirty-one (31) simulcast branches, thirty-four (34) E-Z bet facilities, and two (2) Teletheaters.

The 2013 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:

An SOC I 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, 2013.

The Board approved plans relating to Totalisator Room Security (Rule 5100.23[d]).

2. CATSKILL REGIONAL OTB – 2013 SIMULCAST LICENSE APPLICATION

The New York State Racing and Wagering Board granted the Catskill Regional Off-Track Betting Corporation simulcast license for 2013 for twenty (20) simulcast branches, eight (8) E-Z bet facilities, and one (1) Teletheater.

The 2013 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:

An SOC I 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, 2013.

The Board approved plans relating to Totalisator Room Security (Rule 5100.23[d]).

3. BUFFALO RACEWAY – 2013 TRACK & SIMULCAST LICENSE APPLICATIONS

The New York State Racing and Wagering Board granted the Buffalo Trotting Association, Inc. track and simulcast licenses for 2013.

The Board assigned the remainder of the 99 racing programs requested on the dates specified and at the post-times requested. The Board approved the plan relating to Totalisator Room Security (Rule 5100.23[d]) and granted a waiver from compliance with the 72-hour purse distribution requirement (Rule 4118.1[b]).

The 2013 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 this must be noted in any simulcast agreement entered into for your simulcast signal. 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 states with any provision mandated by either jurisdiction with such provisions specifically incorporated into the contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
 - d. An SOC I 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, 2013.

4. **SARATOGA RACEWAY – 2013 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board granted the Saratoga Harness Racing, Inc. track and simulcast licenses for 2013.

The Board assigned the 170 racing programs requested on the dates specified and at the post-times requested. The Board approved the plan relating to Totalisator Room Security (Rule 5100.23[d]).

The 2013 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 this must be noted in any simulcast agreement entered into for your simulcast signal. 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 states with any provision mandated by either jurisdiction with such provisions specifically incorporated into the contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
- d. An SOC I 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, 2013.

5. MONTICELLO RACEWAY – 2013 TRACK & SIMULCAST LICENSE APPLICATIONS

The New York State Racing and Wagering Board granted the Monticello Raceway Management, Inc. track and simulcast licenses for 2013.

The Board assigned the remainder of the 207 racing programs requested on the dates specified and at the post-times requested. The Board approved the plan relating to the Totalisator Room Security (Rule 5100.23[d]).

The 2013 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 this must be noted in any simulcast agreement entered into for your simulcast signal. 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 states with any provision mandated by either jurisdiction with such provisions specifically incorporated into the contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
- d. An SOC I 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, 2013.

6. FINGER LAKES RACETRACK – 2013 TRACK & SIMULCAST LICENSE APPLICATIONS

The New York State Racing and Wagering Board granted the Finger Lakes Racing Association, Inc. track and simulcast licenses for 2013.

The Board assigned the 162 racing programs requested on the dates specified and at the post-times requested. The Board approved the plan relating to Totalisator Room Security (Rule 5100.23[d]).

The 2013 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 this must be noted in any simulcast agreement entered into for your simulcast signal. 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 states with any provision mandated by either jurisdiction with such provisions specifically incorporated into the contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.

- d. An SOC I 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, 2013.

7. **VERNON DOWNS – 2013 TRACK & SIMULCAST LICENSE APPLICATION APPLICATIONS**

The New York State Racing and Wagering Board assigned to American Racing – Vernon Downs, Inc. the race dates requested for the month of April 2013 only.

8. **BATAVIA DOWNS – REQUEST TO WITHDRAW \$18,383.36 FROM CIF**
The New York State Racing and Wagering Board approved Batavia Downs’ request to withdraw \$18,383.36 requested from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

Backstretch (100%)

Barn Area Blacktop Repairs	<u>\$ 18,383.36</u>
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Total Approved	<u>\$ 18,383.36</u>
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9. **WESTERN REGIONAL OTB – REQUEST FOR APPROVAL OF TOTALISATOR AGREEMENT WITH UNITED TOTE**

The New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation’s request to implement its totalisator agreement with United Tote. The approval is conditioned on the following:

- Approval is through the contract term ending January 1, 2023, or such other time as may be consistent with the requirements for contracts entered into by public benefit corporations;
- Approval is limited to pari-mutuel services and functionality currently in effect and approved by the Board.

10. **ROBERTS COMMUNICATIONS NETWORK – APPROVAL OF NEW YORK CONTRACTS**

The New York State Racing and Wagering Board approved the following contracts with Roberts Communications Network:

- Buffalo Raceway – Simulcast Transmission Agreement – dated January 10, 2010 to December 31, 2014
- Capital District Regional OTB – Simulcast Reception Service – dated January 28, 2010
- Capital District Regional OTB – Broadcast Transmission Agreement – dated March 1, 2010
- Monticello Raceway – Simulcast Transmission Agreement – dated January 10, 2008 to August 31, 2013
- Nassau Regional OTB – Channelized Video Distribution – dated March 1, 2009 to March 1, 2014

- Nassau Regional OTB – Amended Agreement for NASRIN Services – dated April 9, 2007
- Saratoga Gaming and Raceway – Data Communications Service Agreement – dated January 1, 2009 to December 31, 2013
- Suffolk Regional OTB – Simulcast Reception Service – dated March 1, 2010 to February 28, 2015
- Tioga Downs – Simulcast Transmission Agreement – dated May 1, 2010 to April 30, 2015
- Tioga Downs – Data Communications Service Agreement – dated April 1, 2010 to March 31, 2015
- Tioga Downs – Audio/Video and Digital Archiving Service Agreement – dated May 7, 2011 to May 6, 2016
- Vernon Downs – Simulcast Transmission Agreement – dated April 16, 2010 to April 15, 2015
- Vernon Downs – Data Communications Service Agreement – dated April 1, 2010 to March 31, 2015
- Vernon Downs – Audio/Video and Digital Archiving Service Agreement – dated April 15/2011 to April 14, 2016
- Western Regional OTB – Simulcast Reception Service – dated March 01, 2010 to February 28, 2015

11. CATSKILL REGIONAL OTB – REQUEST TO RELOCATE ROUTE 44 BRANCH TO 11 RAYMOND AVENUE – POUGHKEEPSIE

The New York State Racing and Wagering Board approved an amendment to the Catskill Regional Off-Track Betting Corporation simulcast plan of operation for the following:

- Closure of the Branch at Route 44 in (Arlington) Poughkeepsie, NY
- Opening a new branch at 11 Raymond Avenue, (Arlington) Poughkeepsie, NY

12. CATSKILL REGIONAL OTB – REQUEST TO CLOSE TELETHEATRE FACILITY IN SUFFERN AND RELOCATE TO NANUET BRANCH

The New York State Racing and Wagering Board (the Board) approved an amendment to the Catskill Regional Off-Track Betting Corporation simulcast plan of operation for the following:

- Closure of Teletheatre and branch in Suffern, New York
- Opening of new Teletheatre in Nanuet, NY at the site of the current branch

It is a condition of this approval that Catskill Regional Off-Track Betting Corporation provide the Board with a certificate of occupancy prior to the opening of the new Teletheatre.

13. **CATSKILL REGIONAL OTB – REQUEST TO INSTALL SELF-ACTIVATED BETTING TERMINALS (STAN) AT WHEELER’S FAMILY RESTAURANT – PINE CITY**

The New York State Racing and Wagering Board approved an amendment to the Catskill Regional Off-Track Betting Corporation simulcast plan of operation authorizing the operation of a simulcast facility located in Wheeler's Family Restaurant, 1825 Pennsylvania Ave., Pine City, New York.

14. **YONKERS RACEWAY – REQUEST TO AMEND PLAN OF OPERATION – ADD NEW ADVANCE DEPOSIT WAGERING PLATFORM**

The New York State Racing and Wagering Board approved the Yonkers Raceway’s request to implement internet & telephone wagering. The Board approved the revised plan of operation submitted conditioned on the following:

- All wagering and related activities are conducted pursuant to the submitted plan of operation;
- Approval is limited to include internet wagering only; any expansion to include other electronic means requires additional Board approval;
- The computer servers processing the internet wagers must continue to be located in New York.
- Yonkers Raceway may offer wagering via the internet only for those tracks which have provided written consent and have obtained the proper regulatory approvals;
- Yonkers Raceway may offer race replays and live streaming via the internet only for those tracks which have provided written consent and have obtained the proper regulatory approvals;
- Yonkers Raceway shall utilize a unique TRA code that will discretely list handle and other wagering information in the TRA settlement file.
- Wagers are considered Yonkers Raceway wagers and subject to all Yonkers Raceway distributions including but not limited to pari-mutuel taxes, regulatory fees, breeders fund and regional track commissions.
- Wagering shall not commence until Board staff receives satisfactory documentation of test results and provides notice of their acceptance.

15. **NYS TAXATION & FINANCE – CERTIFICATION OF YEAR 2012 RACING DATES/RACES FOR TAX RATE PURPOSES**

For 2012, the New York State Racing and Wagering Board (Board) found that Finger Lakes Racetrack, Monticello Raceway, Saratoga Casino and Raceway and Yonkers Raceway conducted at least 90% of programs/races that each had conducted in 1985 or 1986 (whichever year had the fewer).

For 2012, the New York State Racing and Wagering Board (Board) found that it would have been uneconomical or impractical for the corporations operating Batavia Downs, Buffalo Raceway, and Vernon Downs to be assigned and conduct such prescribed number of racing dates pursuant to Section 318(5)(b) of the New York State Racing, Pari-Mutuel Wagering and Breeding Law (Racing Law). Therefore, such finding entitles these harness racetracks to be classified as if each complied with such requirements.

Accordingly, the Board certifies that Finger Lakes Racetrack, Batavia Downs, Buffalo Raceway, Monticello Raceway, Saratoga Casino and Raceway, Vernon Downs, and Yonkers Raceway have complied with Section 236.3(b)(ii) and/or Section 318(5)(b)(ii) of the Racing Law for purposes of establishing the 2012 pari-mutuel tax rate.

NOTE: The Board took a brief recess at 1:45 p.m. and reconvened at 2:08 p.m.

16. NOTICE OF PROPOSED RULEMAKING – PLASMA TESTING FOR FOR ANABOLIC STEROIDS RULE

The New York State Racing and Wagering Board approved a Notice of Proposed Rulemaking to amend 9(E) NYCRR 4043.15 and 4120.12 of the Board's thoroughbred and harness rules, and related changes to 4120.2(e, i), to establish permissible plasma testing thresholds for the presence of certain anabolic steroids. The amendments make renumbering and rewording revisions to the current rules. The Board determined that the amendment is necessary because plasma samples are more reliable than urine samples when testing for the concentration of anabolic steroids in a horse.

17. NOTICE OF PROPOSED RULEMAKING – CELL PHONES IN PADDOCK AREA – HARNESS RACING

The New York State Racing and Wagering Board approved the proposed Rule 4104.14 to the harness racing rules to permit the limited use of cellular telephones and other electronic devices in the paddock and receiving barn of harness racetracks.

The Board adopted this amendment on January 25, 2012 and it went into effect on February 15, 2012. The Board adopted the rule with a one-year sunset provision. The current rule will expire on February 15, 2013.

18. NOTICE OF PROPOSED RULEMAKING – VOIDABLE CLAIM FOR HORSES VANNED OFF THE TRACK

The New York State Racing and Wagering Board approved a Notice of Proposed Rulemaking to amend Sections 4038.5(a)(i) and (iii) of 9(E) NYCRR of the Board's thoroughbred rules. The amendments in this Notice of Proposed Rulemaking are identical to those in the Notice of Emergency Rulemaking that the Board approved on October 11, 2012 and January 15, 2013.

The purpose of the amendment to 4038.5 is to remove an incentive to race an unsound horse in a claiming race and thereby protect the health and safety of the horses and jockeys. The amendment expands situations in which a claim is voidable and complements the Board's recent adoption of an amendment to Section 4038.5 that voids a claim in the event the claimed horse dies during the race or is euthanized on the track.

The amendment to Section 4038.5(a)(1) corrects a typographical error in the existing rule that erroneously references Section 4038.18, *Pregnant Mares*. The reference should be to Section 4038.19, *Certain Voidable Claims*.

19. **NOTICE OF EMERGENCY RULEMAKING – VOIDABLE CLAIM FOR HORSES VANNED OFF THE TRACK**

The New York State Racing and Wagering Board approved the adoption by emergency rulemaking of amendments to Section 4038.5(a) (i) and (iii) of the Board's thoroughbred racing rules. This will extend by 60 days the emergency rulemaking that was approved by the Board on January 15, 2013 and that was published in the *State Register* on January 30, 2013. That 90-day emergency rule will expire on April 14, 2013. This emergency rulemaking will be effective immediately upon filing with the Department of State upon expiration of the current emergency rule on voidable claims for horses vanned off the track.

This amendment creates new item (iii) under subdivision (a) of Section 4038.5 to provide an option for the successful claimant to void a claim in instances where a horse is vanned off the track.

The amendment to 4038.5(a)(1) corrects a typographical error in the existing rule that incorrectly references Section 4038.18, *Pregnant Mares* instead of Section 4038.19, *Certain Voidable Claims*.

20. **NOTICE OF PROPOSED RULEMAKING – EQUINE MEDICATION 2013 RULES**

The New York State Racing and Wagering Board approved a Notice of Proposed Rulemaking to amend Sections 4043.2(e)(9) [deleting steroids], (g)(5-16) [deleting clenbuterol], 4043.2(i) [corticosteroid joint injections ("CJI") and clenbuterol new restrictions], and 4043.4(b) [duty to report CJI] of 9E NYCRR.

The Board previously adopted similar emergency amendments, which were published on December 26, 2012 and November 28, 2012.

These amendments impose greater time periods during which certain drugs cannot be administered to a horse before its next race. Corticosteroids will be restricted to 5 days (systemic) (was 48 hours) or 7 days (intra articular) (was 5 days). Clenbuterol, newly restricted to 21 days, was 96 hours. The new rules will also require trainers to report all corticosteroid joint injections to the Board including for use during pre-race exams.

21. **NOTICE OF EMERGENCY RULEMAKING – EQUINE MEDICATION 2013 RULES**

The Board approved a Notice of Emergency Rulemaking to amend the Board's Equine Medication Rules Rulemaking to amend Sections 4043.2(e)(9) [deleting steroids], (g)(5-16) [deleting clenbuterol], 4043.2(i) [corticosteroid joint injections ("CJI") and clenbuterol new restrictions], and 4043.4(b) [duty to report CJI].

This emergency rulemaking was approved to ensure continuity of an emergency rule that was in effect on January 31, 2013 and scheduled to expire on March 10, 2013. The

Board approved this emergency rulemaking for submission to the Department of State upon expiration of the current emergency rule on equine medications (RWB-52-12-00014-E).

22. **NYRA – REQUEST FOR CANCELLATION OF RACE DAYS**

The New York State Racing and Wagering Board approved the New York Racing Association, Inc. (“NYRA”) request by letter dated January 31, 2013 to cancel racing on the following six days, February 6th, 13th, 14, and 27th and March 6th and 13th. This request was approved because cancellations were necessitated by circumstances beyond the control of NYRA pursuant to Section 238(1)(d) of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

23. **RESOLUTION OF DELEGATION OF THE RESPONSIBILITY TO IMPLEMENT BOARD POLICY**

The New York State Racing and Wagering Board adopted the following resolution:

RESOLUTION: Delegation of the Responsibility to Implement Board Policy

Whereas, Governor Andrew M. Cuomo has instituted a government-wide program to consolidate and streamline government to provide new efficiencies in the operation of government, and

Whereas, pursuant to Chapter 60 the laws of 2012, there is created a New York State Gaming Commission, and

Whereas, the Racing and Wagering Board, the Division of Lottery, and all present and future legal gaming activities will henceforth be regulated by said commission and,

Whereas, Racing and Wagering Board, Division of Lottery, and other state officials have worked diligently and successfully to merge these agencies into the Gaming Commission and,

Whereas, Chapter 60 of the laws of 2012 provides for the orderly transition from the Racing and Wagering Board to the New York State Gaming Commission; and

Whereas, historically the Members of the Racing and Wagering Board (“Board”) have directly determined certain matters that do not require a vote of the Members of the Board; and

Whereas, the Board has well-established board precedents, policies, and procedures in place regarding these matters; and

Whereas, the new Gaming Commission and its commissioners may need to address many important and unresolved issues of policy and organization, unrelated to these matters;

NOW, therefore, it is Resolved that the Members of the Board, as an act, order, determination, and/or decision, within the meaning of L. 2012, c. 60, § 1 (§ 122), do hereby recognize, delegate, and assign the authority to take action, when in response to a substantially complete presentation of a matter and when consistent with established Board criteria, as follows:

- (1) The senior executive official shall implement Board policy for, by, and on behalf of the agency through granting (including with the imposition of conditions) or withholding agency approval or issuance for the following matters:

- a. Annual track license applications;
 - b. Race days to be conducted pending licensing action;
 - c. Annual simulcast facility licenses;
 - d. Annual roster (and changes) of racing officials at thoroughbred tracks;
 - e. Use of capital improvement funds;
 - f. Approval of simulcasts (imports and exports);
 - g. Promotional requests;
 - h. Changes in wagering format;
 - i. Changes in OTB plans of operation (including promotions);
 - j. Changes in track plans of operation;
 - k. Approval of apprentice jockey extension requests; and
 - l. Any other matter previously delegated by the Members of the Board.
- (2) The senior executive official with the applicable oversight responsibility shall continue to implement Board policy for, by, and on behalf of the agency for the following matters:
- a. Annual totalisator company and other service provider licenses (approval or not);
 - b. Changes of ownership of racetracks (approval or not);
 - c. Occupational license applications (grant, deny, “valid receipt”/temporary licenses);
 - d. Resumption of participation upon compliance with conditions for human drug violations;
 - e. Imposition of penalties by the state stewards (TH) and judges (HA);
 - f. Issuances of Notices to Show Cause, including in lieu of action by stewards/judges; and
 - g. Assignment of Hearing Officers to conduct hearings.

(3) The following matters shall not be resolved without direct participation of the Members:

- a. Adoption of Rules;
- b. Approval of a certificate of incorporation of a newly formed racing corporation;
- c. Summary suspension of licenses;
- d. Ordering the divestiture of a track ownership interest; and
- e. Final agency adjudication of an administrative hearing or appeal.

(4) All other matters for which agency action or approval is required by statute or by rule shall be implemented by the senior executive official in a manner consistent with the foregoing.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. INDIAN GAMING/LICENSING STATISTICS

Licensing statistics for December 1, 2012 through December 31, 2012. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.

2. LICENSING/CURRENT LICENSE COUNT

The current racing licensing counts as of December 31, 2012 since January 1, 2012 were as follows: total receipts 17,527 and total licenses 15,298 for the year 2012.

3. GAMES OF CHANCE/BELL JAR TICKETS

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between December 1, 2012 and December 31, 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 December 1, 2012 through December 31, 2012.

5. 2012 LICENSED SUPPLIERS

List of licensed suppliers - manufacturers' and distributors' licenses issued for the time period of December 1, 2012 through December 31, 2012.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

The meeting adjourned at 2:40 p.m.