

A meeting of the New York State Racing and Wagering Board was held on Wednesday, June 28, 2006 at 2:00 p.m. at the Racing & Wagering Board's Schenectady Office located at
1 Broadway Center, Suite 600, Schenectady, New York.

The meeting was called to order at 2:04 p.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

Thomas Casaregola, Director of Audits & Investigations

Joseph Lynch, Director of Racing Operations

Gail Pronti, Secretary to the Board

Rick Goodell, Assistant Counsel

William Sekellick, Assistant Counsel

Pat Wade, Audits & Investigations

Also in Attendance Were:

Daniel Toomey, NYSR&WB

Kristen Buckley, NYSR&WB

Dan Wray, NYC OTB

Martin Kinsella, NYTB&DF

Robert Hemsworth, CDROTb

George Westervelt, NYSDOB & Oversight Board

Jen Gallo, NYSDOB

Patrick Ryan, NYSDOB

George Penn, Crane Vacco

OPEN COMMENT PERIOD: No comments were made.

A. APPROVE THE MINUTES OF THE BOARD MEETING HELD JUNE 28, 2006.

The Board accepted and received the minutes of the Board meetings held on May 25 and June 5, 2006 without formal approval by vote due to the fact that two of the three current Board members were not present at either meeting.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR.

1. BUFFALO RACEWAY - REQUEST TO AMEND PLAN OF OPERATION - NIGHTLY POST TIMES

For entry into the minutes on June 9, 2006, the New York State Racing and Wagering Board approved the Fairground Gaming and Raceway (Buffalo Raceway) request to amend its first post time at this Western New York harness track. The first post time will now be 7:05 p.m.

2. CATSKILL REGIONAL OTB – REQUEST TO CLOSE BRANCH – HYDE PARK

For entry into the minutes on May 25, 2006, the NYS Racing and Wagering Board approved an amendment to the plan of operation to reflect the closing of the Hyde Park branch of Catskill OTB on or before May 31, 2006.

3. FINGER LAKES RACETRACK - REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes on June 12, 2006, the NYS Racing and Wagering Board approved, on a thirty-day (30) basis, an amendment to the Finger Lakes Racetrack plan of operation enabling the addition of The Lodge at Belmont as a simulcast location for Finger Lakes Racetrack. This approval is conditioned upon the receipt and evaluation of a completed simulcast questionnaire from Belmont Gaming LLC dba The Lodge at Belmont.

4. **MONTICELLO RACEWAY – REQUEST TO SIMULCAST VARIOUS LOCATIONS**

For entry into the minutes on June 9, 2006, the New York State Racing and Wagering Board approved, on a 30-day basis, the Monticello Raceway request to export its simulcast harness racing programs to The Lodge at Belmont in Belmont, New Hampshire. This approval is conditioned upon receipt and evaluation of a completed simulcast questionnaire from Belmont Gaming LLC dba The Lodge at Belmont.

5. **NASSAU DOWNS REGIONAL OTB – REQUEST TO OFFER PROMOTION –
BUFFALO RACEWAY NIGHT AT THE RACE PALACE TELETHEATER**

For entry into the minutes on June 12, 2006, the NYS Racing and Wagering Board approved the amendment to the Nassau Regional OTB simulcast plan of operation enabling the promotion of Buffalo Raceway on the night of Saturday, June 24, 2006. On this night, Nassau OTB may issue five (5) \$100.00 vouchers and one (1) \$500.00 voucher to winning customers in accordance with the stated promotion terms.

6. **NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO SIMULCAST VARIOUS LOCATIONS**

For entry into the minutes on June 9, 2006 the New York State Racing and Wagering Board approved the following simulcast contracts with Nevada Gold-Tioga Downs Inc:

Simulcast Import Contracts

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- Buffalo Raceway
- Hazel Park
- NYRA
- Ocean Downs
- Rockingham Park
- Monticello Raceway
- Indiana Downs
- Harrington Raceway
- Northfield Park
- Woodbine Entertainment
- Saratoga Harness
- Pompano Park
- Finger Lakes Racetrack
- The Meadowlands/Monmouth Racetrack

Simulcast Export Contracts

- The Meadows
- Day at the Track
- Colonial Downs
- Buffalo Raceway
- Plainridge Racecourse
- Northfield Park
- NYC OTB
- Western OTB
- Batavia Downs
- Xpress Bet
- Freehold Raceway
- The Racing Channel
- Rosecroft Raceway
- Philadelphia Park
- America Tab (limited to the Primary site)
- Sun Ray Gaming of New Mexico
- Capital OTB
- The Meadowlands/Monmouth Racetrack

The America Tab contract was approved for the primary site only. The Board deferred action on the simulcast import contracts with Mountaineer and Scioto Downs and the simulcast export contracts with Hazel Park, Scioto Downs and Harrington Raceway.

** (See conditions below.)

7. For entry into the minutes on June 12, 2006 the New York State Racing and Wagering Board ("Board") approved the following simulcast contracts with Nevada Gold-Tioga Downs Inc:

Simulcast Export Contracts

- Monticello Raceway
- Finger Lakes Racetrack
- Saratoga Harness

** (See conditions below.)

8. For entry into the minutes on June 15, 2006 the New York State Racing and Wagering Board ("Board") approved the following simulcast contracts with Nevada Gold-Tioga Downs Inc:

Simulcast Import Contracts

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- Colonial Downs
- Delaware Co. Fair

- Downs Racing (Pocono)
- Freehold Raceway
- MEC-Lonestar
- Mountaineer Park
- Philadelphia Park
- Scioto Downs
- Rosecroft Raceway
- The Meadows

Simulcast Export Contracts

- Beulah Park
- Harrington Raceway
- Downs Racing (Pocono)
- Hazel Park
- Indiana Downs
- Lebanon Raceway
- Lewiston Raceway
- Northville Downs
- Ocean Downs
- Pony Up Bet

- Rockingham Park
- Scioto Downs
- US Off-Track
- YouBet.com
- Pompano Park
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** All contracts are conditioned upon the terms of Nevada Gold-Tioga Downs Inc Simulcast license. In addition, all contracts are deemed amended and approval is conditioned on 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 simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. 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. Included within the agreement must be reference that the guest shall permit inspection of the totalisator facilities at the site where guest's wagers are subject to commingling and all related totalisator 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.
- d. All pari-mutuel activity, payments and settlements must be made with Nevada Gold-Tioga Downs, Inc.

9. **NEW YORK CITY OTB – REQUEST TO AMEND PLAN OF OPERATION –
MODIFICATION OF AMTOTE INT’L. CONTRACT**

For entry into the minutes on June 14, 2006, the NYS Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation’s plan of

operation reflecting Modification No. 1 to the contract between the New York City OTB and AmTote International.

10. **NYRA –REQUEST TO SIMULCAST VARIOUS LOCATIONS**

For entry into the minutes on June 8, 2006, the New York State Racing and Wagering Board approved, on a 30-day basis, the New York Racing Association's request to export the simulcast thoroughbred racing programs from the New York Racing Association racetracks of Belmont Park, Saratoga Racecourse and Aqueduct Racetrack to The Lodge at Belmont in Belmont, New Hampshire. This approval is conditioned upon receipt and evaluation of a completed simulcast questionnaire from Belmont Gaming LLC dba The Lodge at Belmont.

11. **WESTERN REGIONAL OTB – REQUEST TO OFFER PROMOTION – PICK-UP FOR A PICK-UP**

For entry into the minutes on June 12, 2006, the NYS Racing and Wagering Board approved the amendment to the Western Regional OTB simulcast plan of operation for a "Pick-up for a Pick-up" promotion from July 1 to September 30, 2006 per the submitted rules.

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

1. **NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST FOR APPROVAL OF TOTALIZATOR SYSTEM**

For entry into the minutes on June 8, 2006, the New York State Racing and Wagering Board (Board) approved the totalisator system, utilizing gross pool pricing, to be used by Nevada Gold – Tioga Downs Inc. at Tioga Downs pursuant to Section 313 of the Racing, Pari-Mutuel Wagering and Breeding Law.

Furthermore the Board approved the FastBet system for use only at the Tioga Downs track and restricted for wagering purposes only conditioned on the requirement that Tioga Downs file with the Board a report prepared by an independent certified public accounting firm that expresses an opinion directly on the effectiveness of Nevada Gold – Tioga Down’s internal controls over the FastBet System as of October 31, 2006. Such report must be filed with the Board no later than December 15, 2006.

The proposed player rewards program (cash rebating) at Tioga Downs was not approved and therefore cannot be conducted. In addition the request to utilize net pool pricing, rather than gross pool pricing was denied, without prejudice.

2. **NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST FOR RACE DATES FOR 2006**

For entry into the minutes on June 12, 2006, the New York State Racing and Wagering Board (“Board”) assigned 46 race days to Nevada Gold-Tioga Downs (“Tioga”) beginning June 16, 2006 and ending on September 15, 2006, pursuant to the schedule submitted. Under the terms and conditions of Tioga’s license, Tioga may hold up to twelve races per day.

No further action was taken on Tioga’s license status. The temporary conditional license previously approved on May 25, 2006 remains in effect pending further Board action.

3. **NYRA – REQUEST FOR APPROVAL OF INDEPENDENT AUDITORS FOR YEAR ENDING 2006**

For entry into the minutes on May 31, 2006 the New York State Racing and Wagering Board (Board) approved the New York Racing Association's (NYRA) request to utilize UHY, LLP as its independent certified public accountant for purposes of conducting the annual audit for calendar year 2006, pursuant to Section 231-a of the Racing, Pari-Mutuel Wagering and Breeding Law.

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

1. IN THE MATTER OF CHRISTINE LEWIS

The NYS Racing and Wagering Board upheld designated Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of harness groom applicant Christine Lewis be refused on the basis that her experience, character and general fitness are such that her participation in harness racing would be inconsistent with the public interest, convenience and necessity, or with the best interests of racing.

2. **IN THE MATTER OF MICHAEL DAVILA**

The New York State Racing and Wagering Board upheld Hearing Officer Creighton Brittell's recommendation to uphold the Steward's determination that Jockey Michael Davila's license be suspended for twelve (12) days for interference during the fifth race at Finger Lakes Racetrack on November 8, 2005, in violation of Board Rule 4035.2.

3. **IN THE MATTER OF NARINE HARBAJAN**

The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of general service worker Narine Harbajan be revoked on the basis that his experience, character and general fitness are such that his participation in racing would be inconsistent with the public interest, convenience and necessity, or with the best interests of racing.

4. **IN THE MATTER OF THE STEWARDS PLACING OF "DIRTY DEVIL" 3RD IN THE 6TH RACE AT AQUEDUCT RACE TRACK ON MARCH 25, 2006**

The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the appeal of Trainer Steve Klesaris from the ruling of the stewards to place "DIRTY DEVIL" third be dismissed on the ground that such placement decisions are not reviewable.

5. **IN THE MATTERS OF RAYMOND VINCI & CLARENCE WOLF**

The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the Board impose the respective disciplinary actions pursuant to the individual stipulations.

A summary of the recommended action follows:

<u>NAME</u>	<u>DISCIPLINARY ACTION</u>
Raymond Vinci	\$800 fine
Clarence Wolf	\$400 fine

Each of the above-referenced matters arose from orders to show cause served upon the respondents, who are licensed as mutuel clerks, concerning cash shortages reported by the mutuel clerks.

A stipulation (with agreed settlement) had been executed in each of the two matters, whereby the charges asserted in the respective orders to show cause were amended to a single charge and a specific sanction on condition that the respondent entered a nolo contendere plea to that charge.

6. **NOTICE OF PROPOSED RULEMAKING – CLAIMING PROCEDURE RULE - HARNESS**

The New York State Racing and Wagering Board approved the proposal of an amendment to the Harness Racing Claiming Rule 4109.3. The proposed rule amendment clarifies the procedure for claiming horses in harness racing. The changes address the issues of a claimant's credit, the procedure for depositing claims in a claim box and the opening of the locked claim box and sealed envelope.

As a proposed rulemaking, this rule will be subject to Executive Order 20 review by the Governor's Office of Regulatory Reform.

7. NOTICE OF PROPOSED RULEMAKING – FAILURE TO FINISH RULE

The New York State Racing and Wagering Board approved the proposal of an amendment to the Failure to Finish Rule - 4117.2(c) to address situations where a horse leaves the course as the result of a break from its gait. The proposed rule amendment provides for the judges to determine the appropriate order of finish should a horse fail to finish as a result of a break from its gait. This amendment will supplement those instances already set forth in 9E NYCRR 4117.2, subdivision c.

As a proposed rulemaking, this rule will be subject to Executive Order 20 review by the Governor's Office of Regulatory Reform.

8. NOTICE OF PROPOSED RULEMAKING - TOTE STANDARDS RULE

The New York State Racing and Wagering Board deferred consideration of a proposal to create a new subchapter B, Part 5100 of Title 9 of the New York Codes Rules and Regulations. This new Part would establish rules and regulations that require licensing of totalisator companies and prescribe operational standards for tote systems.

9. NOTICE OF PROPOSED RULEMAKING – EXCESS TCO2 - PRE- AND POST-RACE TESTING

The New York State Racing and Wagering Board deferred consideration of proposed amendments for Pre-Race Testing and Post-Race Testing TCO2 in thoroughbred and harness racehorses, penalties for excess TCO2 and procedures for guarded quarantine and voidable claims.

10. CAPITAL DISTRICT OTB – REQUEST FOR APPROVAL OF CASHCARDS

The New York State Racing and Wagering Board extended the temporary conditional approval of the Capital District Regional Off-Track Betting Corporation's (CDROTB) use of Capital

CashCards at the OTB Tele-theater facility for wagering through July 31, 2006 only. The conditions for this approval require CDROTB to:

1. Submit the information requested in the March 17, 2006 letter from FinCen and provide a copy of this response to the Board no later than July 12, 2006.
2. Submit a request to the NYS Comptroller's Office and NYRA to obtain a copy of the opinions dated February 17, 2006 and June 5, 2006 regarding inactive CashCards and vouchers. A copy must be provided to the Board no later than July 12, 2006.
3. Should CDROTB wish to continue the use of the CashCards beyond July 31, 2006, a request for approval must be submitted to the Board no later than July 12, 2006 with justification why the Board should grant the request.

If CDROTB intends on offering the CashCard system at other locations, an application requesting approval for each location must be submitted to the Board for approval.

11. NEW YORK CITY OTB SIMULCAST LICENSE APPLICATION FOR 2006

The New York State Racing and Wagering Board deferred action on New York City Off-Track Betting Corporation's 2006 simulcast license application pending staff's further review of the matters concerning NYC OTB's financial position.

The Board will consider further action at the next Board meeting.

NYC OTB will remain operational on the continuing rights of the 2005 simulcast license. Such rights 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, including:
 - a. Receipt of fire inspection reports on an ongoing basis.

12. MONTICELLO RACEWAY TRACK LICENSE APPLICATION FOR 2006

The New York State Racing and Wagering Board deferred action on the Monticello Raceway track and simulcast license applications for 2006 pending:

- The arbitration decision to be rendered in reference to the horsemen's contract.

The Board assigned the racing programs requested through July 31, 2006 ONLY, with the addition of four Friday racing dates in the month of July 2006. These are July 7, 14, 21 and 28, with scheduled racing at 1:10 p.m. each Friday with a 12 race maximum with the ability to seek permission from the presiding judge for additional races on a "case-by-case" basis.

The Board will consider further action at or before the scheduled July 2006 Board meeting.

Monticello Raceway will remain operational on the basis of continuing rights. Such rights 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. Included within the agreement must be reference that the guest shall permit inspection of the totalisator facilities at the site where guest's wagers are subject to commingling and all related totalisator 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 Commission or Board with such provisions specifically incorporated into 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 SAS-70 Type II audit is to be performed for the current licensing period on the totalisator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2006.

13. **MONTICELLO RACEWAY SIMULCAST LICENSE APPLICATION FOR 2006**

(See number 12 above.)

14. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO ADD NEW E-Z BET – BROADWAY JOE’S AT THE PEPSI ARENA**

The NYS Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation’s plan of operation to reflect the new ownership of Broadway Joe’s at the Pepsi Arena and new agreement for the operation of an EZ Bet simulcast facility at that location.

It is expected that Capital District Regional OTB, using its own personnel, will occasionally inspect the Broadway Joe’s at the Pepsi Arena remote wagering facility and certify that all rules and laws concerning the conduct of wagering in New York State are being followed.

The Secretary to the Board is to be notified in writing in a timely manner should a change in procedure be implemented that affects the operation of this approved Capital District Regional OTB remote wagering facility or of any change in ownership. The simulcast license fee of five hundred dollars is immediately due.

15. **WESTERN REGIONAL OTB – REQUEST TO ADD NEW E-Z BET – ANGOLA**

The NYS Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation’s plan of operation to reflect the new ownership of

Shorts, Inc. d/b/a Stroh's Tavern and new agreement for the operation of an EZ Bet simulcast facility at that location.

It is expected that Western Regional OTB, using its own personnel, will occasionally inspect the Shorts, Inc. d/b/a Stroh's Tavern remote wagering facility and certify that all rules and laws concerning the conduct of wagering in New York State are being followed.

The Secretary to the Board is to be notified in writing in a timely manner should a change in procedure be implemented that affects the operation of this approved Western Regional OTB remote wagering facility or of any change in ownership. The simulcast license fee of five hundred dollars is immediately due.

16. **FINGER LAKES RACETRACK – REQUEST TO WITHDRAW \$32,916.10 FROM CIF & ISSUANCE OF PERMIT**

The New York State Racing and Wagering Board (the Board) approved Finger Lakes Race Track's request to withdraw a total of \$32,916.10 from its Capital Improvement Fund for reimbursement of Capital Improvement Expenditures.

Pursuant to the Racing, Pari-Mutuel Wagering and Breeding Law Section 239, the Board approved the Finger Lakes Racetrack application for a permit in reference to construction of the Dental Clinic on the grounds of the Finger Lakes Racetrack.

In addition, Finger Lakes must submit a plan for paving the backstretch roads as was discussed in the annual walkthrough on May 16, 2006. This plan must be submitted prior to any future CIF requests that are to be considered by the Board for approval.

17. **CAPITAL REGIONAL OTB – REQUEST TO AMEND PLAN OF OPERATION – ADD NEW BRANCH (GREENE COUNTY)**

The NYS Racing and Wagering Board approved the amendment to the Capital District Regional Off-Track Betting Corporation's plan of operation for the opening of the West Coxsackie off-track betting simulcast facility. This is conditioned upon receipt by the Board of the Certificate of Occupancy prior to opening.

It is expected that Capital District Regional OTB, using its own personnel, will occasionally inspect this simulcast facility and certify that all rules and laws concerning the conduct of wagering in New York State are being followed.

The Secretary to the Board is to be notified in writing in a timely manner should a change in procedure be implemented that affects the operation of this approved Capital District Regional OTB wagering facility or of any change in ownership. The simulcast license fee of five hundred dollars is immediately due.

18. **YONKERS RACEWAY – TRACK LICENSE APPLICATION FOR 2006**

The New York State Racing and Wagering Board deferred action on Yonkers Raceway's track and simulcast license applications for 2006 pending receipt of information and staff evaluation of the following matters:

- Financial statements for Rooney Associates.
- List of shareholders and their most recent financial statements or a listing of all operations.
- Satisfaction of CAFO requirements.
- A copy of Yonker's security guard registration with the Department of State.
- Yonker's use of peace officers.

- A plan that demonstrates how Yonkers plans to remain viable through the term of the licensing.

The Board will consider further action at an upcoming Board meeting.

Yonkers Raceway will remain operational on the continuing rights of the 2005 track and simulcast license. Such rights 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. Included within the agreement must be reference that the guest shall permit inspection of the totalisator facilities at the site where guest's wagers are subject to commingling and all related totalisator 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 Commission or Board with such provisions specifically incorporated into contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.

19. **YONKERS RACEWAY – SIMULCAST LICENSE APPLICATION FOR 2006**

(See number 18 above.)

20. **DELEGATION TO CHAIRMAN HOGAN**

The New York State Racing and Wagering Board approved the delegation to Chairman Hogan of the power to deal with certain categories of requests for Board approval. These types of requests come before the Board in a fairly typical and recurring manner-often with need for prompt approval.

Within specific categories, and as implemented, the Chairman exercises the delegated power without further approval of the other Board members or may choose to seek approval of the other members before acting. If the Chairman acts, any Board member who objects to an act taken pursuant to the exercise of the delegation may raise that issue at the Board meeting following the action. The Chairman does not have the unilateral power to deny an application that requires Board approval.

Based upon resolution of the Board set forth below with a delegation of powers to the Chairman, the determinations listed below in the first grouping may be made by the Chairman individually. The Chairman is not required to seek approval of the full Board on these determinations. The Chair has the discretion to have any of these issues determined by the full Board. The categories set forth in the second grouping would be approved only

by a majority vote of the Racing and Wagering Board. This delegation of authority would supercede any delegation of powers previously issued by the Racing and Wagering Board.

DELEGATED

1. Approval of simulcasts. These include approvals for tracks to send simulcasts out-of-state, approval for the receipt of simulcasts from out-of-state tracks, approval for simulcasting from tracks to off-track betting corporations, approval for intra-state simulcasting, and approval of in-home simulcasts;
2. Promotional requests. These include approvals of promotional giveaways, handicapping contests, off-track betting admissions, and the simulcast of sports events (e.g. boxing) incidental to the conduct of racing or the simulcasting of horse racing;
3. Changes in the wagering format. These include approvals of changes in post-time, changes in racing dates, changes in the number of races on a program, and changes in the types of wagers offered at tracks;
4. Changes in OTB plans of operation. These include approvals of directors, concessionaires, new branches, the closing or relocation of a branch and the addition of simulcasting to an existing branch;
5. Approval of NYRA trustees;
6. Approval of apprentice jockey extension allowances; and
7. Individual changes in the roster of racing officials at the thoroughbred tracks.

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

1. Proposal and Adoption of Rules;
2. Annual track license applications;
3. Annual simulcast facility licenses;
4. Reports of hearing officers;
5. Summary suspensions;
6. Use of capital improvement funds;

7. Requests for opinions of the Attorney General;
8. Assessment formulae and by-law amendments of the Jockey Injury Compensation Fund, Inc.;
9. Initial annual roster of racing officials at the thoroughbred tracks; and
10. All other matters not specifically delegated to the Chairman.

RESOLVED, that

WHEREAS certain categories of requests for approval come before the Board in a recurring and ministerial manner; and

WHEREAS there is often a need for prompt approvals in such categories of requests; and

WHEREAS there may be a question of whether the Chairman, as Chief Executive Officer of the Board, has implied power to deal with such matters or whether an explicit delegation of power by the Board is appropriate;

NOW THEREFORE, without limiting any existing powers of the Chairman, the Chairman of the New York State Racing and Wagering Board is hereby explicitly empowered to effect the policy of the Board by approving applications, where appropriate in the following categories, subject to the right of any Board member to object to that action or raise issues concerning that action at the next Board meeting:

1. Approval of simulcasts. These include approvals for tracks to send simulcasts out-of-state, approval for the receipt of simulcasts from out-of-state tracks, approval for simulcasting from tracks to off-track betting corporations, approval for intra-state simulcasting, and approval of in-home simulcasts;
2. Promotional requests. These include approvals of promotional giveaways, handicapping contests, off-track betting admissions, and the simulcast of sports events (e.g. boxing) incidental to the conduct of racing or the simulcasting of horse racing;
3. Changes in the wagering format. These include approvals of changes in post-time, changes in racing dates, changes in the number of races on a program, and changes in the types of wagers offered at tracks;
4. Changes in OTB plans of operation. These include approvals of directors, concessionaires, new branches, the closing or relocation of a branch and the addition of simulcasting to an existing branch;
5. Approval of NYRA trustees;
6. Approval of apprentice jockey extension allowances; and
7. Individual changes in the roster of racing officials at the thoroughbred tracks.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. INDIAN GAMING - LICENSING STATISTICS

Licensing statistics for April 1, 2006 through April 30, 2006. Also included were the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.

2. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between April 12, 2006 – May 9, 2006.

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

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between April 1, 2006 – May 1, 2006.

4. **LICENSING – CURRENT LICENSE COUNT**

The current racing licensing counts as of May 31, 2006 since January 1, 2006 were as follows: total receipts 5,936 and total licenses 4099 for the year 2006.

5. **2006 LICENSED SUPPLIERS**

List of 2006 licensed suppliers and manufacturers for the period of May 1, 2006 through May 31, 2006.

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

1. Board staff followed up on the two outstanding conditions for the new owner of the Side Door Café – Joan Audi. Both conditions have been met.

The meeting adjourned at 2:51 p.m.