

MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF MARCH 30, 2004

A meeting of the New York State Racing and Wagering Board was held on Tuesday, March 30, 2004 at 11:30 a.m. at the Racing & Wagering Board's Albany Office located at 1 Watervliet Avenue Extension, Albany, New York.

The meeting was called to order at 11:39 a.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Cheryl Buley, Member

Edward Martin, Executive Director

Erin Dahlmeyer, Secretary to the Board

Robert Feuerstein, General Counsel

Thomas Casaregola, Director of Audits & Investigations

Joseph Lynch, Chief of Racing Operations

Also in Attendance Were:

Dianne Landor, NYSR&WB

Stacy Clifford, NYSR&WB

Francesca Pizzimenti, NYSR&WB

James Gallagher, NYRA

Charles Coppola, Coppola, Ryan, McHugh

Steve Bochnak, NYS Assembly

Brian Poulter, Division of Budget

Nick Antenucci, WEMED

Robert Hemsworth, Capital OTB

Paul D'Onofrio, Monticello Raceway

Dan Wray, NYC OTB

Mike Kane, Schenectady Gazette

Pete O'Connell, Western OTB

Charlotte Watson, NYS Senate

Bill Crowell, Hinman Straub

OPEN COMMENT PERIOD: Started at 11:31. Charles Coppola appeared on behalf of the Association of OTB Corporations and submitted written material in relation to Agenda Item D-9 (NYRA retention rate request).

Dan Wray spoke on behalf of NYCOTB in relation to Agenda Item D-9 (NYRA retention rate request). Mr. Wray related information from NYCOTB President Raymond Casey concerning anticipated negative financial impact on NYCOTB in the event the Board approves the NYRA request to lower the retention rate for the Pick Six wager on non-carryover days. Ended at 11:34 p.m.

The Meeting began at 11:35 a.m.

- A. The Board approved the minutes of the Board meetings held on February 25th, February 27th and March 22, 2004.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.

1. CAPITAL OTB REQUEST TO OFFER PROMOTIONS IN MARCH

For entry into the minutes, on February 27, 2004, approval was granted for the request by Capital District OTB to conduct fan appreciation days at the Bridgeport branch on Thursday, March 4th and at the Hudson branch on Friday, March 5, 2004.

The contests and prizes awarded to the winners at the Bridgeport branch and the Hudson branch are to be conducted per the submitted rules.

2. SUFFOLK OTB REQUEST TO OFFER HANDICAPPING CONTEST

For entry into the minutes, on February 27, 2004, approval was granted for the request by Suffolk Regional OTB, dated February 24, 2004, to conduct a year 2004 Handicapping Challenge I on Saturday, March 27, 2004 at the Racing Forum in Hauppauge.

This approval is specific to a one-day contest on March 27, 2004 as outlined in the official rules and regulations.

3. BUFFALO RACEWAY REQUEST TO CANCEL RACING

For entry into the minutes, on March 1, 2004, approval was granted for the request by Buffalo Raceway to amend its plan of operation for the cancellation of the scheduled and approved racing date of Wednesday, March 3, 2004.

4. BUFFALO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004

For entry into the minutes, on March 1, 2004, approval was granted for the request by Buffalo Raceway to amend its simulcast plan of operation enabling the import of thoroughbred simulcasts from Mountaineer Park in Chester, West Virginia.

This approval is effective immediately and the simulcast may be utilized whenever in accordance with the Racing Law.

5. SARATOGA HARNESS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004

For entry into the minutes, on March 1, 2004, approval was granted for the request by Saratoga Harness to amend its simulcast plan of operation enabling the import of simulcasts from the racetrack known as The Meadows in Meadowlands, Pennsylvania through the year 2004 Meadows racing season.

* For entry into the minutes, on March 23, 2004, approval was granted for the request by Saratoga Harness to amend its simulcast plan of operation enabling the import of simulcasts from all Churchill Downs-owned racetracks including Arlington Park, Calder Race Course, Churchill Downs, Ellis Park, Hollywood Park and Hoosier Park during the year 2004.

Both Churchill Downs (Kentucky) and Hollywood Park (California) have split meetings during 2004. The federally required permission letter from both the representative horsemen's group (TOC) and the California Horse Racing Board specify permission through **July 18th only**. For Churchill Downs, the Kentucky Division of the Horsemen's Benevolent and Protective Association specifies permission through **July 5th only**. To continue with either of these simulcasts during the latter part of 2004 when its second of two meets commence, new current and valid letters of permission must be filed with the Board.

Other simulcast agreements approved enable the import of simulcasts from Great Lakes Downs (Michigan), Delaware Park (Delaware), the Fair Grounds International Ventures (for the Dubai World Cup Day) and River Downs (Ohio) for the 2004 racing seasons. All simulcasts may be utilized whenever in compliance with the Racing Law.

Further approved is the agreement enabling the export of simulcasts to Plainridge Race Course located in the contiguous state of Massachusetts.

6. CAPITAL OTB REQUEST TO OFFER PROMOTIONS

For entry into the minutes, on March 1, 2004, approval was granted for the request by Capital District Regional OTB to conduct its "Road To The Derby" contest based on telephone betting, provided the promotion is conducted per the submitted rules.

7. NEW YORK CITY OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004

For entry into the minutes, on March 1, 2004, approval was granted for the request by New York City OTB, dated February 19, 2004, to amend its simulcast plan of operation by addendum enabling the handling of the Kentucky Derby and Kentucky Oaks "future wagers" during the dates and time periods submitted.

* For entry into the minutes, on March 1, 2004, approval was granted for the request by New York City OTB, dated February 23, 2004, to amend its simulcast plan of operation enabling the import of simulcasts from South African racetracks as per the submitted contract with Wyvern N.A.R., Ltd. as agent for Phumelela-Gold Enterprises.

This approval is effective immediately.

* For entry into the minutes, on March 17, 2004, approval was granted for the request by New York City OTB, dated March 16, 2004, to amend its simulcast plan of operation enabling the import of simulcasts of the racing events from Cheltenham Hunt Festival (thoroughbred steeplechase racing) through the auspices of the Fair Grounds International Ventures, LLC.

These simulcasts may be imported and utilized for wagering whenever in accordance with the Racing Law.

8. NYRA REQUEST FOR MYSTERY VOUCHER PROMOTION

For entry into the minutes, on March 8, 2004, approval was granted for the request by NYRA, dated February 26, 2004, to issue the number of mystery vouchers in the denominations as submitted and per the agreed NYS Racing and Wagering Board/NYRA guidelines. The promotion will be valid on Saturday, May 8th and Sunday, June 20th only.

These mystery vouchers would be redeemable only on the date as printed on the face of the voucher and only at Belmont Park. A patron with a mystery voucher may be escorted to and from designated windows to redeem that voucher without paying admission or parking fees.

As with all previous voucher distributions, the Board reserves the right to audit results of these two specific voucher promotions.

9. SARATOGA HARNESS REQUEST TO AMEND PLAN OF OPERATION RACING DATES

For entry into the minutes, on March 8, 2004, approval was granted for the request by Saratoga Harness to amend its plan of operation enabling the additional racing date of Monday, April 5th.

Also approved is the cancellation of a live racing program on Wednesday, April 7th.

10. VERNON DOWNS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004

For entry into the minutes, on March 8, 2004, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from Oaklawn Park in Arkansas, effective immediately.

This approval is valid through the end of the Oaklawn Park 2004 race meeting scheduled to conclude on Arkansas Derby Day, Saturday, April 10th.

* For entry into the minutes, on March 8, 2004, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from the racetracks owned by Penn National Turf Club, Inc. and Mountainview Thoroughbred Racing Association. These tracks include Pocono Downs and Penn National in Pennsylvania, and the Charles Town Races in West Virginia.

All simulcasts may be imported as permitted under the Racing Law.

* For entry into the minutes, on March 11, 2004, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from the harness racetrack known as Hazel Park in Michigan.

Also approved is the import of simulcasts from the Ohio thoroughbred racetrack known as River Downs. Both simulcasts may be imported as permitted under the Racing Law.

* For entry into the minutes, on March 15, 2004, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of signals from the year 2004 Hawthorne race meeting through May 11th, as stipulated in the Illinois Thoroughbred Horsemen's Association, Inc. permission letter.

These simulcasts are permitted whenever in accordance with the Racing Law. To continue this simulcast after May 11, 2004, a new letter of permission from the Illinois Horsemen must be filed with the Board.

* For entry into the minutes, on March 15, 2004, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts for the 2004 thoroughbred meeting from Keeneland Race Course in Kentucky. These simulcasts can be utilized whenever permitted under the Racing Law.

Although the contract with Keeneland Race Course continues through October 30, 2004, the federally required letters for this interstate simulcast specify approval through the "Spring" meeting only. To continue on with this

agreement through the "Fall" Keeneland meet in October of 2004, new approval letters must be filed with the Board.

* For entry into the minutes, on March 23, 2004, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from the harness racetrack in Ohio known as Raceway Park.

This simulcast may be imported and utilized whenever in accordance with the Racing Law.

11. YONKERS RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004

For entry into the minutes, on March 8, 2004, approval was granted for the request by Yonkers Raceway to amend its simulcast plan of operation enabling the import of simulcasts emanating from the in-state track of Saratoga Harness, Moutaineer Park in West Virginia, Scioto Downs and Raceway Park in Ohio. These simulcast signals may be utilized whenever in accordance with the Racing Law.

Also approved are the new agreements enabling the export of the Yonkers simulcast in-state to Buffalo Raceway. Also approved are the Meadowlands in the contiguous state of New Jersey and to The Meadows in the contiguous state of Pennsylvania during the year 2004.

12. CAPITAL OTB REQUEST TO RELOCATE BRANCH - HERKIMER COUNTY

For entry into the minutes, on March 8, 2004, approval was granted for the request by Capital OTB for the relocation of the Charlestown/Utica off-track betting simulcast facility originally located at 311 Turner Street.

The facility will be relocated to 2102 State Route 5 in the Town of Schuyler, effective immediately.

13. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004

For entry into the minutes, on March 8, 2004, approval was granted for the request by Nassau OTB to amend its simulcast plan of operation enabling the import of simulcasts from South African racetracks per the submitted contract with Wyvern N.A.R., Ltd. as agent for Phumelela-Gold Enterprises. This approval is effective immediately and further extends to Capital District, Catskill, Suffolk and Western Regional OTB's.

Also approved is the agreement to import thoroughbred simulcasts from the Louisiana racetrack known as Evangeline Downs throughout its 2004 racing season that is scheduled to begin on April 1st. This approval for Evangeline Downs further extends to Suffolk Regional OTB.

* For entry into the minutes, on March 10, 2004, approval was granted for the request by Nassau Regional OTB to amend its simulcast plan of operation enabling the import of the 2004 harness racing programs from Hazel Park in Michigan.

This simulcast may be imported whenever in accordance with the Racing Law. This approval further extends to Suffolk Regional OTB.

* For entry into the minutes, on March 15, 2004, approval was granted for the request by Nassau Regional OTB, dated March 9, 2004, to amend its simulcast plan of operation enabling the import of simulcasts from Remington Park in Oklahoma during its 2004 race meeting.

This approval also applies to Suffolk Regional OTB. This simulcast may be imported and utilized for wagering whenever in accordance with the Racing Law.

* For entry into the minutes, on March 23, 2004, approval was granted for the request by Nassau Regional OTB to amend its simulcast plan of operation enabling the import of simulcasts from the thoroughbred racetrack known as Delaware Park.

This simulcast may be imported whenever in accordance with the Racing Law. This approval also extends to Suffolk Regional OTB.

14. SUFFOLK OTB REQUEST TO OFFER PROMOTIONS

For entry into the minutes, on March 8, 2004, approval was granted for the request by Suffolk Regional OTB to conduct promotional giveaways at its Huntington, Deer Park, Patchogue, Ronkonkoma, Commack and Hauppauge branches during the month of March as listed in the request.

Suffolk OTB is not charging any fee whatsoever to the customer and the prizes awarded will be as listed in the submitted application. All branch promotions are to be conducted under the rules as submitted to the Board.

* For entry into the minutes, on March 15, 2004, approval was granted for the request for an amendment to the March 12, 2004 request by Suffolk Regional OTB to conduct promotional giveaways. The approved amendment is to change the March 12th Huntington Branch promotion to the Centereach Branch and change the date to April 2nd.

Suffolk OTB is not charging any fee whatsoever to the customer and the prizes awarded will be as listed in the submitted application. All branch promotions are to be conducted under the rules as submitted to the Board.

15. NYRA REQUEST TO AMEND PLAN OF OPERATION - PICK 3

For entry into the minutes, on March 10, 2004, approval was granted for the request by the New York Racing Association to "hub" all comingled wagering on the annual event known as the Big-3-Pick-3 wager. This wager is to be "hubbed" at Aqueduct Race Track in New York at a special twenty percent (20%) takeout on Saturday, April 10th.

The three legs of the Big-3-Pick-3 consist of the Wood Memorial from Aqueduct, the Toyota Blue Grass Stakes from Keeneland Racecourse and the Arkansas Derby from Oaklawn Park. The twenty percent (20%) takeout (normally 25% on in-state Pick-3s and up to 26% on out-of-state Pick-3s) is authorized by Section 1017(1)(b) and Section 907(2)&(3) of the Racing Law.

16. CAPITAL OTB REQUEST TO OFFER PROMOTION - MARCH MADNESS

For entry into the minutes, on March 10, 2004, approval was granted for the request by Capital OTB for the 2nd Annual Mega March Madness celebration at the Albany Teletheater, 711 Central Avenue during the period of Thursday, March 18th through Saturday, March 20th per the submitted rules. This promotion is in conjunction with the NCAA basketball tournament.

All vouchers issued as prizes are for use on the day of issuance only. The Racing and Wagering Board reserves the right to audit the results of all voucher promotions conducted by its licensees.

17. WESTERN OTB REQUEST FOR CERTIFICATION OF BOARD OF DIRECTORS

For entry into the minutes, on March 10, 2004, approval was granted for the certification reflecting the appointment of each of the following members of the Board of Directors pursuant to Section 502(6) of the Racing, Pari-Mutuel Wagering and Breeding Law.

Participating Municipality Board Representative

City of Buffalo Daniel J. Carnevale

Cattaraugus County James K. Johnston

Cayuga County (vacant)

Chautauqua County Roger E. Ruckman

Erie County Gregory L. Davis, Esq. (Chairman)

Genesee County Richard E. Siebert

Livingston County Thomas P. Wamp

Monroe County Eugene C. Mazzola

Niagara County Richard P. Winter

Orleans County George E. Herring, Jr.

Oswego County Edward J. Sohoski

City of Rochester T. Andrew Brown, Esq.

Schuyler County Philip C. Smith

Seneca County William R. White

Steuben County Charles D. Henderson

Wayne County Joseph Gallo

Wyoming County Carole Butler

18. MONTICELLO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004

For entry into the minutes, on March 11, 2004, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcasts on the year 2004 Hawthorne (Illinois) race meeting through May 11th as stipulated in the Illinois Thoroughbred Horsemen's Association, Inc. permission letter. This simulcast may be utilized as permitted under the Racing Law.

To continue to import the simulcasts of Hawthorne Race Course after May 11, 2004, a new letter of permission from the Illinois Horsemen must be filed with the Board.

* For entry into the minutes, on March 23, 2004, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcasts from Keeneland Race Course during its 2004 program, which begins on Friday, April 2nd. This approval is valid for the **Spring Keeneland meet only** as per the Kentucky Thoroughbred Association's letter.

Also approved is the agreement with Churchill Downs, Inc. providing for the import of simulcasts from all Churchill Downs-owned racetracks including Arlington Park, Calder Race Course, Churchill Downs, Ellis Park, Hollywood Park and Hoosier Park during the year 2004.

Both Churchill Downs (Kentucky) and Hollywood Park (California) have split meetings during 2004. The federally required permission letter from both the representative horsemen's group (TOC) and the California Horse Racing Board specify permission through **July 18th only**. For Churchill Downs, the Kentucky Division of the Horsemen's Benevolent and Protective Association specifies permission through **July 5th only**. To continue with either of these simulcasts during the latter part of 2004, when its second of two meets commence, new current and valid letters of permission must be filed with the Board.

Further approved are the agreements to import all of the 2004 Hazel Park meeting and Indiana Downs.

These simulcasts may be utilized whenever in compliance with the Racing Law.

19. MONTICELLO RACEWAY REQUEST TO AMEND RACING SCHEDULE

For entry into the minutes, on March 15, 2004, approval was granted for the request by Monticello Raceway to amend its plan of operation with the addition of five Thursdays in April.

Monticello Raceway also requests the cancellation of the previously approved four Saturdays in the month of April. This results in the net addition of one racing date to Monticello's current schedule of 2004 live racing dates.

20. CAPITAL OTB REQUEST TO CLOSE E-Z BET LOCATION - PLATTSBURGH

For entry into the minutes, on March 15, 2004, approval was granted for the request by Capital OTB to amend its simulcast plan of operation with the closing of the Clinton County off-track betting and E-Z Bet facility located at Lindsey's at the Inn at Smithfield in Plattsburgh.

This approval is effective immediately.

21. SUFFOLK OTB REQUEST TO OFFER PROMOTION

For entry into the minutes, on March 15, 2004, approval was granted for the request by Suffolk Regional OTB to conduct a promotional giveaway to Suffolk OTB telephone account customers per the submitted rules, through its sponsored radio program "30 Minutes To Post" on WLIE.

Suffolk OTB will not be charging any fee to the customer and the prizes awarded will be as listed in the submitted application.

22. NYRA REQUEST TO AMEND PLAN OF OPERATION - RACING DATES

For entry into the minutes, on March 19, 2004, approval was granted for the request by the New York Racing Association for an additional racing date for the year 2004.

The approved additional date is Monday, March 22, 2004, previously a scheduled "dark day."

23. REQUEST FOR EXTENSION OF JOCKEY ALLOWANCE - FRAGOSO

For entry into the minutes, on March 23, 2004, approval was granted for the request for an extension of the qualified apprentice year of jockey Pablo Fragoso of an additional eight (8) days.

Mr. Fragoso's date of record for the expiration of his apprenticeship allowance is now Sunday, April 11, 2004.

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

1. IN THE MATTER OF JEFFREY L. RAYNER

For entry into the minutes, on March 3, 2004, the Board summarily suspended the Trainer's license of Jeffrey L. Rayner upon a finding that the public safety and welfare imperatively require this emergency action.

Mr. Rayner's license had been previously surrendered by him after testing positive for marijuana on November 2, 2003, at Batavia Downs. On February 24, 2004, Mr. Rayner had tested positive for cannabinoid, in violation of Board Rules 4119.11 and the terms of his Consent to Conditions.

The suspension will remain in effect pending further disposition by the Board after a hearing.

2. MONTICELLO RACEWAY REQUEST FOR VLT RELATED CONSTRUCTION/DEMOLITION

For entry into the minutes, on March 4, 2004, the Board approved the request by Monticello Raceway, dated March 2, 2004, for renovations in the grandstand for the proposed Video Lottery Terminal operations at Monticello Raceway pursuant to Section 322 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

The renovations to be completed in the grandstand are described in the request letter and the Building & Zoning Permit dated February 27, 2004 issued by the Village of Monticello. An additional approval of this Board will be required prior to any other construction related to this project.

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

1. IN THE MATTER OF RICHARD E. DUTROW, JR.

The Board approved Hearing Officer Baller's recommendation that the decision of the State Steward, which imposed a suspension of forty-five (45) days and imposed a \$3,000 fine as a result of the finding of the metabolite of the drug mepivacaine in the April 27, 2003 post-race samples of FARMER JAKE, be upheld. The action was taken based upon Board Rules 4043.2 and 4043.4.

2. IN THE MATTER OF HERIBERTO S. FIGUEROA

The Board approved Hearing Officer Baller's recommendation to revoke the thoroughbred groom license of Heriberto S. Figueroa following a positive test result for the drug cocaine, which resulted from a sample collected from the licensee on November 10, 2003 at Finger Lakes Racetrack.

3. IN THE MATTER OF DIANE PAPELIAN

The Board approved Hearing Officer Baller's recommendation that the December 4, 2003 license refusal of harness groom license applicant Diane Papelian based upon the findings that Ms. Papelian was not employed at a

New York State racetrack, had been convicted of a crime and had failed to comply with licensing requirements, be upheld.

4. IN THE MATTER OF ALBERT ROSSI

The Board approved Hearing Officer Baller's recommendation to uphold the refusal to issue a harness general services license to Albert Rossi. This determination is without prejudice to a new application.

5. NOTICE OF ADOPTION □ FOUL RIDING DISQUALIFICATION RULE □ 4035.2(b)

The Board approved the adoption of the proposal to amend 4035.2(b) in order to give the stewards more latitude when making a decision, whether or not to disqualify a horse.

6. FINGER LAKES REQUEST FOR APPROVAL OF RACING OFFICIALS FOR 2004

The Board approved the list of the year 2004 track officials at Finger Lakes Racetrack pursuant to Board Rule 4005.1.

7. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$113,262.63

The Board approved the request by Finger Lakes Race Track to withdraw a total of \$113,262.63 from its Capital Improvement Fund for reimbursement of Capital Improvement Expenditures.

Other (1%)

Computer for Simulcast Director \$ 846.20

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Backstretch (99%)

Manure stacking pad \$102,037.00

Repair state test barn & lab 536.95

Trash pump 1,306.47

Float/Harrow - training track 801.16

Generator □ maintenance 734.85

Roof □ Dorm #5 7,000.00

Total Backstretch \$112,416.23

Total Approved \$113,262.63

8. NYRA REQUEST FOR LICENSING PROVISIONS

The Board approved the request by NYRA for an exemption, as available under Board Rule 4002.1(b)(2), whereby temporary employees hired for specific special event days need not be subject to complete licensure as otherwise required. The approval is limited to temporary employees hired for the days of The Wood Memorial, Memorial Day, The Belmont Stakes, The Jockey Club Gold Cup and The Breeders Cup, when held in New York.

This approval is conditioned upon the continuation by NYRA of its past practice of subjecting each temporary hire to "a background check" as well as providing to the Board, on a timely basis, any required lists or other information about these temporary workers that may be required. This approval is effective immediately.

9. NYRA REQUEST TO REDUCE TAKEOUT ON PICK 6

The Board approved the request by NYRA, pursuant to Section 229 of the Racing, Pari-Mutuel & Breeding Law, to reduce the takeout rate from 20% to 15% for the single pick six pari-mutuel pool offered daily at its operating racetrack only on non-carryover days. This reduction in takeout is effective on Thursday, April 1, 2004. This change will result in a proportionate reduction of 25% in payments based on the new retention rate.

The Board's approval is conditioned upon:

Approval prior to April 1, 2004 by the NYS Department of Taxation and Finance of any necessary equipment and/or changes associated with this revised retention rate and;

1. Submission by NYRA of such data and reports as may be requested by Board staff. The initial information shall be submitted for the first ninety days following implementation at a date to be specified by Board staff.

For days on which the Pick 6 wager has an accompanying carryover from the previous raceday(s), the current applicable takeout rate of twenty-five percent (25%) remains in effect.

10. SARATOGA HARNESS REQUEST TO WITHDRAW FROM CIF - \$92,485.08

The Board approved the request by Saratoga Harness to withdraw a total of \$19,814.89 from its Capital Improvement Fund for reimbursement of advertising and promotional expenditures.

Advertising and Promotional Expenditures

Time Warner Cable - Television Ad \$ 6,660.61

WNYT-13 - Television Ad 19,473.50

Total Documented Expenditures \$26,134.11

Total Approved \$19,814.89

Also approved is the withdrawal of \$72,670.19 from its Capital Improvement Fund for reimbursement of capital expenditures, for a total of \$92,485.08.

Other (90%) Amount

2004 Chevrolet Pick-Up \$33,585.68

Rebuilding main track 32,709.85

120 Foam Rods 294.00

6 Projection TVs 6,745.28

Total \$73,334.81

Backstretch (10%)

20 2 ½ side loaders \$ 7,900.04

Total Documented Expenditures \$81,234.85

Total Approved \$72,670.19

Total Both requests \$92,485.08

11. YONKERS RACEWAY TRACK LICENSE APPLICATION FOR 2004

The Board deferred action on the Yonkers Raceway track and simulcast license applications for 2004 pending receipt of a valid contract with the Standardbred Owners Association, Inc.

The Board assigned the racing programs, excluding Thursdays, for the month of April 2004 as requested. The Board will consider further action at the next Board meeting.

12. YONKERS RACEWAY SIMULCAST LICENSE APPLICATION FOR 2004

See Board Item number eleven above.

13. NEW YORK CITY OTB REQUEST TO APPOINT NEW CONTROLLER & TREASURER

The Board approved the plan of operation amendments to reflect the appointments of James T. Hayes as Controller and James M. Lavelle as Treasurer of the New York City Off-Track Betting Corporation.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. GAMES OF CHANCE BINGO REGISTRATION NUMBERS MARCH 03/04-16-E

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between February 14, 2004 March 10, 2004.

2. GAMES OF CHANCE BELL JAR TICKETS MARCH 03/04-17-E

List of bell jar ticket authorized/denied by the Charitable Gaming Unit between

February 14, 2004 March 10, 2004.

3. GAMES OF CHANCE LICENSED BINGO & GAMES OF CHANCE SUPPLIERS MARCH 03/04-15-E

List of manufacturers/suppliers licensed by the Charitable Gaming Unit, between February 14, 2004 March 10, 2004.

4. INDIAN GAMING - LICENSING STATISTICS FOR FEBRUARY 2004

03/04-10-E

Licensing statistics for February 1, 2004 through February 29, 2004. Also included are the certifications for Turning Stone, Akwesasne and Seneca Niagara.

5. LICENSING CURRENT RACING LICENSING COUNT AS OF MARCH 2004 - 03/04-14-E

The current racing licensing counts as of March 12, 2004 are as follows: total receipts 2178 and total licenses 1410.

6. STATE REGISTER PUBLICATION EMERGENCY RULEMAKING THOROUGHBRED TRIFECTA RULE 4011.22 08/03-30-E

The amendment to Rule 4011.22(i) became effective on January 30, 2004 upon filing with the Department of State. It will be effective for ninety (90) days through April 28, 2004. A copy of the published notice from the February 18, 2004 *NYS Register* is attached.

The meeting was adjourned at 12:39 p.m.