

**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF MARCH 22, 2007**

A meeting of the New York State Racing and Wagering Board was held on Thursday, March 22, 2007 at 11:00 a.m. at the Racing & Wagering Board's Schenectady Office located at 1 Broadway Center, Suite 600, Schenectady, New York.

The meeting was called to order at 11:13 a.m.

In Attendance Were:

Daniel D. Hogan, Chairman
Michael J. Hoblock, Jr., Member
John B. Simoni, Member
Robert Feuerstein, General Counsel
Joseph Lynch, Director of Racing Operations
Thomas Casaregola, Director of Audits & Investigations
Gail Pronti, Secretary to the Board

Also in Attendance Were:

Daniel Toomey, NYSR&WB
Norma Soodsma, NYSR&WB
Kristen Buckley, NYSR&WB
Vivian Davis, NYSR&WB
Kevin Dempsey, Director of Administration
James Kellogg, Audits & Investigations
Peter Salat, Audits & Investigations
Rick Goodell, Assistant Counsel
Bill Sekellick, Assistant Counsel
Paul Onyon, Assistant Director of Racing Operations
Karen Murphy, Bonstrom & Murphy
James Crane, Crane Vacco
Gary Greenberg, Vernon Downs Stockholder

OPEN COMMENT PERIOD: Comments began at 11:03 a.m.

Karen Murphy, Esq. spoke on behalf of licensee Daniel Bergin concerning an adjudicatory matter on the agenda. Ms. Murphy stated that this was a unique situation and that the hearing was a failure in that Mr. Bergin was not represented by counsel during the testimony and that he had been denied the opportunity to reopen the proceeding. She stated that his testimony about money laundering was misstated in the Office of Counsel's post-hearing submission. Ms. Murphy further stated that the amount of his shortages were not large in that he was a mini-dealer who handled large amounts of cash in comparison to mutuel clerks, and that these resulted from count-out problems that he did not adequately explain at the hearing.

Comments ended at 11:13 a.m.

A. The Board approved the minutes of the Board meeting held on February 22, 2007.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. BUFFALO RACEWAY – REQUEST TO CONDUCT HARNESS HANDICAPPING CONTEST

For entry into the minutes, on February 16, 2007, the New York State Wagering Board approved the Buffalo Trotting Association, Inc. request to conduct handicapping challenges on the Wednesdays of March 7, 14, 21 and 28, 2007. The final of this contest will be held on Wednesday, April 4, 2007. All winners will be notified by mail and a list of winners must be made available to the general public. The contest must be conducted in accordance with the application and submitted rules. Further, all entry fees must be distributed as prizes to the winners of the tournament pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 908(2).

2. BUFFALO RACEWAY – REQUEST TO OFFER PROMOTION – MARCH MADNESS SERIES FINAL

For entry into the minutes, on March 1, 2007, the New York State Racing and Wagering Board approved the Buffalo Raceway request to amend its plan of operation by offering a “March Madness Series” promotion on the evening of March 31, 2007 per the rules submitted to the Board.

3. BUFFALO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on February 22, 2007, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Washington Trotting Association/Mountain Laurel Racing (d.b.a. The Meadows) through December 31, 2007.
2. Saratoga Harness Racing Inc. through December 31, 2007.
3. Yonkers Raceway through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Buffalo Trotting Association Inc. simulcast license. Further, Buffalo Trotting Association Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Buffalo Trotting Association Inc. may or will provide rebates on wagers for races at that site.

4. BUFFALO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 5, 2007, the New York State Racing and Wagering Board approved the Buffalo Trotting Association Inc. request to simulcast the standardbred racing programs from Buffalo Trotting Association, Inc. for wagering purposes during 2007 to:

1. Harrington Raceway, Delaware
2. Lebanon Raceway, Ohio
3. Premier Turf Club, LLC, North Dakota
4. Sports Creek Raceway, Michigan

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and are conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Buffalo Trotting Association, Inc. simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- 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 books and records of all out-of-state receiving and secondary sites. Books and records must be maintained for two years from the date of the simulcast. The guest and all secondary sites 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 Buffalo Trotting Association, Inc. simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. "Manual merge" is prohibited unless specifically authorized in writing by the Board.
- e. No receiving or secondary sites may rebate on Buffalo Trotting Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.

- f. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.

5. For entry into the minutes, on March 6, 2007, the New York State Racing and Wagering Board approved the Buffalo Trotting Association Inc. request to simulcast the standardbred racing programs from Buffalo Trotting Association, Inc. for wagering purposes during 2007 to The Meadows, Pennsylvania and seven [7] secondary sites.

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Buffalo Trotting Association, Inc. simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- 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 books and records of all out-of-state receiving and secondary sites. Books and records must be maintained for two years from the date of the simulcast. The guest and all secondary sites 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 Buffalo Trotting Association, Inc. simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. "Manual merge" is prohibited unless specifically authorized in writing by the Board.
- e. No receiving or secondary sites may rebate on Buffalo Trotting Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- f. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.

6. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT NATIONAL HARNESS HANDICAPPING CONTEST HELD AT THE MEADOWLANDS

For entry into the minutes, on February 20, 2007, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct a handicapping contest on Friday, March 23 and Saturday, March 24, 2007 at the Albany Teletheater. This harness contest will feature races from Saratoga Gaming and Raceway and The Meadowlands. There is a \$50 per entry cost and one person may enter up to three times. There are three overall winners receiving prize money with the top two winners also receiving an entry and trip to The Meadowlands for the "National Harness Handicapping Contest," in accordance with the terms of the application and rules submitted.

- 7. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO MODIFY CAPITAL CASH REWARDS PROGRAM - PROMOTION**
For entry into the minutes, on March 1, 2007, the New York State Racing and Wagering Board approved a temporary revision to the Capital District Regional Off-Track Betting Corporation Cash Rewards program to permit the conduct of a promotion that any participating patron who wagers a total of \$20,000 or more would receive a cash bonus of five (5.0%) percent based on the wagers made on participating tracks where the rewards are offered. This amendment is effective through April 30, 2007 only. This is the final time that the Board will consider temporary modification of the program.
- 8. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT DREAM HANDICAPPER CONTEST PROMOTION**
For entry into the minutes, on March 1, 2007, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct a promotion from March 7 through March 21, 2007. This promotion must be conducted in accordance with the Dream Handicapping promotion terms as submitted to the Board.
- 9. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER PROMOTIONS IN MARCH 2007**
For entry into the minutes, on March 1, 2007, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct various promotions during the month of March 2007. Included among the approved contests are the Fan Appreciation Days of March 22, 24, 30 & 31; the Direct TV Mega March Madness at the Teletheater on March 15, 16, 17 & 31; the Harness Night on March 30; the Dubai World Cup and Florida Derby Day on March 31; and the On-Line Harness contest for phone-a-bet bettors on March 16.
- It is understood that there is no charge to enter any of the handicapping contests.
- 10. KENTUCKY DERBY/OAKS FUTURE WAGERS - PROMOTION**
For entry into the minutes, on March 1, 2007, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct a promotion on March 8 and 9, and then again on April 12 and 13, in relation to the Future Pools on the 2007 Kentucky Derby which is contested on the first Saturday in May. This promotion must be conducted in accordance with the Future Pool promotion terms as submitted to the Board.
- 11. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER “FAN APPRECIATION DAY” PROMOTION**
For entry into the minutes, on March 8, 2007, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to distribute, by way of a non-winning ticket drawing, five (5) Capital OTB E-Z Bet long sleeve shirts and two (2) NCAA basketball jerseys.

12. FINGER LAKES RACETRACK – AMEND DATES ON APPROVED HANDICAPPING CHALLENGES

For entry into the minutes, on February 16, 2007, the New York State Racing and Wagering Board approved revised dates for the conduct of the handicapping challenges originally approved for January 20, February 17, March 17, and March 31, 2007. The revised dates for the handicapping challenges to be conducted are February 24 and March 24, 2007, with the final to be conducted on April 7, 2007.

All other conditions of approval remain in effect.

13. FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 8, 2007, the New York Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. The Dubai World Cup at Nad Al Sheba Racecourse to be raced on March 31, 2007 through auspices of Churchill Downs, Inc.
2. Hawthorne Race Course, Inc., Illinois during 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Finger Lakes Racing Association, Inc. simulcast license. Further, Finger Lakes Racing Association, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Finger Lakes Racing Association, Inc. may or will provide rebates on wagers for races at that site.

14. MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on February 28, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt., Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Hawthorne Race Course, Inc., Illinois through April 29, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Monticello Raceway Mgmt., Inc.'s simulcast license. Further, Monticello Raceway Mgmt., Inc. is prohibited from rebating as a guest on simulcast unless the host site acknowledges in writing that Monticello Raceway Mgmt., Inc. may or will provide rebates on wagers for races at that site.

15. For entry into the minutes, on March 8, 2007, the New York State Racing and Wagering Board approved an amendment to Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Hazel Park Harness Racing, Michigan through December 31, 2007.

2. Indiana Downs, Indiana through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Monticello Raceway Mgmt, Inc.'s simulcast license. Further, Monticello Raceway Mgmt, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Mgmt, Inc. may or will provide rebates on wagers for races at that site.

16. MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007

For entry into the minutes, on February 16, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt., Inc. request to simulcast its standardbred racing programs for wagering purposes during 2007 to Hawthorne Race Course, Illinois (with thirty [30] secondary sites).

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and are conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Monticello Raceway Mgmt, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- 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 books and records of all out-of-state receiving and secondary sites. The guest and all secondary sites 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 Monticello Raceway Mgmt, Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Monticello Raceway Mgmt, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. Guests (and secondary sites) must maintain books and records relative to wagers on Monticello Raceway Mgmt, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request.
- g. Guests (and secondary sites) shall not accept phone or computer assisted wagers from New York State residents.

- h. “Manual Merge” is prohibited unless specifically authorized in writing by the Board.

17. For entry into the minutes, on February 22, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its signal to Windsor Raceway (Canada), Dresden Raceway (Canada), and Woodstock Raceway (Canada).

Approval is limited to the simulcast of Monticello Raceway races during 2007 to the guest sites specified within the simulcast agreements conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Monticello Raceway simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- 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 books and records of all out-of-state receiving and secondary sites. The guest and all secondary sites 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 simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. "Manual merge" is prohibited unless specifically authorized in writing by the Board.
- e. No receiving or secondary sites may rebate on Monticello Raceway races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- f. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.

Wagers are to be commingled in accordance with the identical terms and conditions approved by the Board in 2006 for other simulcasts to Canadian sites.

18. For entry into the minutes, on March 5, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its standardbred racing programs for wagering purposes during 2007 to:
1. Finger Lakes Racing Association, Inc., New York.
 2. Georgian Downs Limited, Ontario, Canada (with two [2] satellite sites).
 3. Grand River Raceway, Ontario, Canada (with five [5] satellite sites).
 4. Great Lakes Downs, Michigan.
 5. Windsor Raceway, Inc. & Winrac Development Inc., Ontario, Canada (with two [2] satellite sites).

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and are conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Monticello Raceway Mgmt, Inc.'s, simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from the New York residents.
- c. The board has the authority to audit the books and records of all out-of-state 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 addresses of managers at all pari-mutuel "hubs" used in the course of Monticello Raceway Mgmt, Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Monticello Raceway Mgmt, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. Guests (and secondary sites) must maintain books and records relative to wagers on Monticello Raceway Mgmt, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request.
- g. Guests (and secondary sites) shall not accept phone or computer assisted wagers from New York State residents.

Simulcasts to the guest sites in Canada are subject to the conditions previously established by the Board for simulcasts to Canada with net pool pricing.

19. NASSAU REGIONAL OTB – REQUEST TO OFFER “SPRING FLING” HANDICAPPING CONTEST

For entry into the minutes, on February 9, 2007, the New York State Racing and Wagering Board approved a Nassau Downs OTB promotion, the Nassau OTB Spring Fling Contest, to be conducted on various dates during March and April 2007 at all Nassau OTB branches and its teletheater. This contest, which is to be conducted at no charge whatsoever to the customer, is to be conducted in a manner consistent with the rules as submitted with the original application dated January 29, 2007.

20. NASSAU REGIONAL OTB – REQUEST TO OFFER “HARNESS HANDICAPPING CHAMPIONSHIP”

For entry into the minutes, on February 9, 2007, the New York State Racing and Wagering Board approved the Nassau OTB application to conduct the Nassau OTB Harness Handicapping Championship on Saturday, March 24, 2007, in accordance with the application dated January 29, 2007, and accompanying rules.

21. NASSAU REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on February 16, 2007, the New York State Racing and Wagering Board approved amendments to the Nassau Regional Off-Track Betting Corporation and the Suffolk Regional Off-Track Betting Corporation simulcast plans of operation authorizing the simulcast for wagering purposes of races from Buffalo Trotting Association, Inc. through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes including but not limited to the terms and conditions of approval of the Nassau Regional and Suffolk Off-Track Betting Corporations simulcast licenses. Rebating is prohibited on simulcasts unless the host site acknowledges in writing that Nassau Regional Off-Track Betting Corporation and Suffolk Regional Off-Track Betting Corporation may or will provide rebates on wagers for races at that site.

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

For entry into the minutes, on March 8, 2007, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Hawthorne Race Course, Illinois through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of New York City Off-Track Betting Corporation simulcast license. Further, New York City Off-Track Betting Corporation is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that New York City Off-Track Betting Corporation may or will provide rebates on wagers for races at that site.

23. NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on February 16, 2007, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from Bay Meadows Racing Association d/b/a Bay Meadows Racecourse, California from February 14 through April 22, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of NYRA's simulcast license. Further, NYRA is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that NYRA may or will provide rebates on wagers for races at that site.

24. SARATOGA GAMING AND RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on February 22, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway

simulcast plan of operation authorizing the simulcast for wagering purposes of races from Gulfstream Park Racing Association, Inc. in Florida through April 22, 2007 and Oaklawn Jockey Club, Inc. in Arkansas through April 14, 2007. No rebating is permissible without the written consent of the host tracks.

25. For entry into the minutes, on March 5, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Tioga Downs, New York through December 31, 2007.
2. Vernon Downs, New York through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Saratoga Gaming & Raceway's simulcast license. Further, Saratoga Gaming & Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Saratoga Gaming & Raceway may or will provide rebates on wagers for races at that site.

26. For entry into the minutes, on March 8, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Buffalo Trotting Association, Inc., New York through December 31, 2007.
2. Harrington Raceway, Delaware through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Saratoga Gaming & Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Saratoga Gaming & Raceway may or will provide rebates on wagers for races at that site.

27. SUFFOLK REGIONAL OTB – REQUEST TO OFFER HARNESS TRACK PROMOTIONS

For entry into the minutes, on February 22, 2007, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation's request to conduct three promotions based on wagering at Suffolk OTB with multiple or exacta losing tickets on Yonkers Raceway from Thursday, March 1 through Sunday, March 11, 2007, on Yonkers Raceway from Thursday, April 12 through Sunday, April 22, 2007, or on Saratoga Harness from Thursday, July 12 through Saturday, July 21, 2007 in accordance with the terms of the application submitted.

28. SUFFOLK REGIONAL OTB – REQUEST FOR PROMOTION – ANNUAL BARTENDER'S BALL

For entry into the minutes, on February 28, 2007, the New York State Racing and Wagering Board issued a simulcast facility license and approved the Suffolk Regional Off-Track Betting Corporation's request to conduct a live wagering promotion at the Long Island Bartender's Ball at the Hyatt Regency Wind Watch Hotel, 1717 Motor Parkway, Hauppauge, New York on the one date only of March 26, 2007 in accordance with the terms and conditions set forth in the application.

The Board also approved the issuance of up to three hundred \$2.00 vouchers to be used on Qwik Bet machines on March 26, 2007 at that specific location only.

29. NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on February 9, 2007, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Sam Houston Race Park LTD in Texas.

- 30.** For entry into the minutes, on February 16, 2007, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Bay Meadows Racing Association d/b/a Bay Meadows Racecourse through April 22, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Tioga Downs simulcast license. Further, Tioga Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Tioga Downs may or will provide rebates on wagers for races at that site.

- 31.** For entry into the minutes, on February 16, 2007, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering to purposes of races from River Downs through September 15, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Tioga Downs simulcast license. Further, Tioga Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Tioga Downs may or will provide rebates on wagers for races at that site.

- 32.** For entry into the minutes, on March 5, 2007, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Harrington Raceway, Delaware through December 31, 2007.
2. Hazel Park, Michigan through December 31, 2007.
3. Rosecroft Raceway, Maryland through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Tioga Downs simulcast license. Further, Tioga Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Tioga Downs may or will provide rebates on wagers for races at that site.

- 33.** For entry into the minutes, on March 8, 2007, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Fraser Downs, British Columbia, Canada through December 31, 2007.
2. Plainridge Racecourse, Massachusetts through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Tioga Downs simulcast license. Further, Tioga Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Tioga Downs may or will provide rebates on wagers for races at that site.

34. NEVADA GOLD – TIOGA DOWNS, INC – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 8, 2007, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Monticello Raceway Mgmt, Inc., New York.

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Tioga Downs's simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. No receiving or secondary sites may rebate on Tioga Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- c. Guests must maintain books and records relative to wagers on Tioga Downs simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request.
- d. "Manual Merge" is prohibited unless specifically authorized in writing by the Board.

35. NEVADA GOLD – VERNON DOWNS, INC – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on February 16, 2007, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering the purposes of races from Bay Meadows Racing Association d/b/a Bay Meadows Racecourse through April 22, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

36. For entry into the minutes, on February 16, 2007, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of

operation authorizing the simulcast for wagering purposes of races from River Downs through September 15, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

37. For entry into the minutes, on March 5, 2007, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Harrington Raceway, Delaware through December 31, 2007.
2. Hazel Park, Michigan through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcast unless the host site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

38. For entry into the minutes, on March 8, 2007, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Fraser Downs, British Columbia, Canada through December 31, 2007.
2. Plainridge Racecourse, Massachusetts through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

39. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 8, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Monticello Raceway Mgmt., Inc., New York through December 31, 2007.

Approval is limited to the guest site specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Vernon Downs' simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. No receiving or secondary sites may rebate on Vernon Downs' races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- c. Guests must maintain books and records relative to wagers on Vernon Downs' simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request.
- d. "Manual Merge" is prohibited unless specifically authorized in writing by the Board.

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

For entry into the minutes, on February 20, 2007, 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:

1. Windsor Raceway, Ontario, Canada through December 31, 2007.
2. Woodbine Entertainment Group (Woodbine Racetrack and Mohawk Raceway), Ontario, Canada through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Yonkers Raceway's simulcast license. Further, Yonkers Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Yonkers Raceway may or will provide rebates on wagers for races at that site.

41. For entry into the minutes, on February 28, 2007, 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:

1. Maywood Park, Illinois through December 31, 2007.
2. Balmoral Raceway, Illinois through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Yonkers Raceway's simulcast license. Further, Yonkers Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges on writing that Yonkers Raceway may or will provide rebates on wagers for races at that site.

42. For entry into the minutes, on February 28, 2007, 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 Western Fair Association, Ontario, Canada through July 1, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Yonkers Raceway's simulcast license. Further, Yonkers Raceway is prohibited from rebating as a guest on simulcast unless the host site acknowledges in writing that Yonkers Raceway may or will provide rebates on wagers for races at that site.

43. For entry into the minutes, on March 1, 2007, 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:

1. Attractions Hippiques, Quebec, Canada, through December 31, 2007.
2. Saratoga Harness Racing, Inc., New York, through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Yonkers Raceway's simulcast license. Further, Yonkers Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Yonkers Raceway may or will provide rebates on wagers for races at that site.

44. For entry into the minutes, on March 8, 2007, 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 TP Racing L.L.P. d/b/a Turf Paradise, Arizona through December 31, 2007.

Approval is conditioned upon receipt of final written approval for simulcasting from the Arizona Department of Racing and compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Yonkers Raceway's simulcast license. Further, Yonkers Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Yonkers Raceway may or will provide rebates on wagers for races at that site.

45. **YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on February 16, 2007, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its standardbred racing programs from Yonkers Raceway for wagering purposes during 2007 to:

1. Buffalo Trotting Association, New York
2. Day at the Track, California
3. Hazel Park, Michigan
4. Lebanon Raceway, Ohio
5. The Lodge at Belmont, New Hampshire
6. Ocean Downs LLC, Maryland

7. PPI, Inc, d/b/a Pompano Park Racing, Florida
8. Sports Creek Raceway, Michigan
9. Tioga Downs, New York
10. Vernon Downs, New York

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Yonkers Raceway's simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- 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 books and records of all out-of-state receiving and secondary sites, which shall be made available on request. The guest and all secondary sites 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 Yonkers Raceway simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. "Manual merge" prohibited unless specifically authorized in writing by the Board.
- e. No receiving or secondary sites may rebate on Yonkers Raceway races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- f. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.

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

1. NEVADA GOLD – TIOGA DOWNS, INC – REQUEST TO ADD THREE STAKES SERIES

For entry into the minutes, on February 26, 2007, the New York State Racing and Wagering Board approved the offering and conditions for the following series and stakes events to be held at Tioga Downs during 2007: the Rags to Riches, the Miss Versatility, and the Kindergarten Classic.

2. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO ADD FIVE STAKES SERIES

For entry into the minutes, on February 26, 2007, the New York State Racing and Wagering Board approved the offering and conditions for the following series and stakes events to be held at Vernon Downs during 2007: the Conway Hall, the Credit Winner, and the Artscape.

Note: The Kindergarten Classic and the Miss Versatility are covered in a separate item.

3. EMERGENCY RULEMAKING – TCO2 TESTING AND PENALTIES

For entry into the minutes, on March 7, 2007, the New York State Racing and Wagering Board approved the adoption of Rules by Emergency Rulemaking to provide for the testing of excess TCO2 in thoroughbred and harness racehorses, penalties for excess TCO2, and procedures for guarded quarantine and voidable claims.

4. BATAVIA DOWNS/WESTERN REGIONAL OTB - REQUEST TO BEGIN CONSTRUCTION ON SMOKING ROOM RELATED TO WESTERN OTB'S VLG OPERATIONS

For entry into the minutes, on March 8, 2007, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 322, the New York State Racing and Wagering Board approved the request by the Western Regional Off-Track Betting Corporation for issuance of a permit related to the construction described in the February 22, 2007 letter and the New York State Office of General Services construction permit dated February 21, 2007 for Project No. S2856.

A letter requesting approval for any further related construction not covered by this permit, if any, with an appropriate construction permit, must be submitted to the Board. Prior approval of the Board is required prior to the commencement of any additional related construction.

5. YONKERS RACEWAY – REQUEST FOR APPROVAL OF PEACE OFFICERS

For entry into the minutes, on March 8, 2007, pursuant to Section 312 of the 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 Racing, Pari-Mutuel Wagering and Breeding Law and Section 2.20 of the Criminal Procedure Law.

The grant of approval by the Board is conditioned upon the satisfactory receipt and evaluation by the Board of the federal fingerprint-based criminal history reports on the approved individuals. The Board’s approval is further conditioned upon the continuing compliance by Yonkers Raceway with any related requirements imposed by the Board, the Racing, Pari-Mutuel Wagering and Breeding Law, the Criminal Procedure Law, and any other governmental agencies with jurisdiction concerning these appointments.

The eight (8) individuals approved are:

Chase, Sydney
Cherry, Christopher
DeLoatch, Patricia
Levine, Hermann
Moy, Nelson
Pagan, Angelo
Seward, Adria

Small, William

The Board deferred action on Eric Mabin pending further investigation.

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

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

1. CAPITAL DISTRICT REGIONAL OTB – SIMULCAST LICENSE APPLICATION FOR 2007

The Board deferred action on Capital District Regional Off-Track Betting Corporation's simulcast license application for 2007 pending the outcome of an ongoing investigation.

The Board will consider further action at a future Board meeting.

Capital OTB will remain operational on the continuing rights of the 2006 simulcast license. Such rights are conditioned upon compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board including:

An SAS-70 Type II audit must be performed for the current licensing period on the totalizator operations utilized and located at Capital OTB. The report is to be filed with the Board no later than October 31, 2007.

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

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

The Board will consider further action at a future 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. Submission to the Board of fire inspection reports on an ongoing basis.
 - b. An SAS-70 Type II audit must be performed for the current licensing period on the totalizator operations utilized and located at NYC OTB. The report is to be filed with the Board no later than October 31, 2007.

3. YONKERS RACEWAY – TRACK & SIMULCAST LICENSE APPLICATIONS FOR 2007

The Board granted the Yonkers Raceway track and simulcast licenses for 2007. The Board assigned the remainder of the 2007 racing programs requested for six programs a week on Mondays through Saturdays with Sundays, dark with no racing on Wednesdays,

April 18 and 25, Monday, December 24 and Tuesday, December 25. Post-time for all programs is 7:40 p.m.

The 2007 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. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
 - b. 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.
 - 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. Records must be maintained for two years from the date of the simulcast. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. Any agreement which you are party to is subject to the requirements of the host and guest jurisdictions with such provisions specifically incorporated into the contract by reference. All parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
 - e. An SAS-70 Type II audit must 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, 2007.
 - f. No receiving or secondary sites may rebate on the Yonkers Raceway races unless disclosed within the terms of the agreement as submitted to the Board for approval [and Yonkers Raceway shall not rebate on simulcasts received without the written consent of the host site.](#)

Pursuant to Racing, Pari-Mutual Wagering and Breeding Law Section 318 (5), the Board authorized certification to the New York State Department of Taxation and Finance that Yonkers Raceway had been assigned the required number of pari-mutuel programs and races at its facilities to establish eligibility for the tax rates set forth in Section 318(1).

4. FINGER LAKES RACETRACK – REQUEST TO WITHDRAW \$119,073.15 FROM CIF

The Board approved \$109,450.78 of the Finger Lakes Racing Association request to withdraw a total of \$119,073.15 from its Capital Improvement Fund for reimbursement of Capital Improvement Expenditures. Approval was granted in relation to the following budgeted items:

Sidewalks to Pavillion	\$ 3,462.60
Paving North/South Roadway on Backside	105,391.00
Hauling & Patching – Backside Roadway	<u>597.18</u>
Total Approved	\$ 109,450.78

The Board deferred the remaining \$9,622.37 for reimbursement of the following non-budgeted items pending further consideration of how Finger Lakes Racetrack will address the reimbursement of items not included in the Finger Lakes Racetrack Capital Improvement Fund budget on a going forward basis:

Transformers	3,036.75
Complex Multiplexing System	5,040.37
Washing Machines – Jockey Room	607.91
Resurface Concrete Paddock Viewing Steps	<u>937.34</u>
Total Deferred	<u>\$ 9,622.37</u>

5. IN THE MATTERS OF FERNANDO ALVEREZ AKA FERNANDO ALVEREZ-GARCIA, SAUL DONIS, ROLANDO MORALES & LUIS PARADA AKA JOSE L. PARADA

The Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the thoroughbred licenses of Alvarez, Donis, Morales, and Parada be revoked based upon a finding that the character and fitness of each are such that their continued participation in pari-mutuel racing would be inconsistent with the public interest, convenience and necessity, or with the best interests of racing generally in that each of the respondents is ineligible to work in the United States.

6. IN THE MATTER OF JOSE TORRES

The Board upheld Hearing Officer Creighton Brittell's recommendation that the license of exercise rider Jose Torres be revoked and that he be barred from all New York State tracks based upon his conviction for Criminal Possession of a Controlled Substance in the Third Degree, a Class C felony.

7. IN THE MATTER OF MARLENE BRODY (PLACEMENT OF "RAHY'S APPEAL")

The Board deferred the appeal of Marlene Brody, owner of "RAHY'S APPEAL," to the April 2007 Board Meeting in order to review further.

8. IN THE MATTER OF PETER MARINO

The Board deferred this matter pending review of a stipulation of settlement. The matter had been settled without need for Board adjudicatory action.

9. IN THE MATTER OF CAROLYN JOHANSEN

The Board found that Carolyn Johansen, a mutuel clerk, during race meetings in 1996-1998, attempted and participated in a fraud and misrepresentation in connection with racing, or in a similar, related or like practice, by falsely reporting cash shortages from her teller drawer in violation of Racing Law §213(2) and 9 NYCRR

4002.9(a) and/or was financially irresponsible and displayed financial irresponsibility reflecting on her experience, character and general fitness by having irresponsible cash shortages in violation of Racing Law §213(2) and 9NYCRR 4002.9(a) and 4002.19. The Board modified the Hearing Officer's recommended disposition of the matter and made the additional finding that leniency is warranted based upon the enforcement of NYRA's rule prohibiting mutuel clerks from taking money from cash boxes for personal use only if reported weekly shortages exceeded a teller's paycheck, tellers working in a culture in which taking weekly pay advances was condoned by some NYRA management, and Ms. Johansen's weekly shortages being consistent with this practice. The Board ordered that Ms. Johansen's license to participate as a mutuel clerk or otherwise in pari-mutuel racing be suspended for sixty (60) days beginning on May 2, 2007, but with the final thirty (30) days to be stayed and thereafter discharged providing that during the year following her return to employment in June 2007, she commits no violation of Board rules. The Board further imposed a fine in the amount of \$2,000 to be paid in full by June 1, 2007.

10. IN THE MATTER OF MARY MCCARTHY

The Board found that Mary McCarthy, a mutuel clerk, during race meetings in 1996-1998, attempted and participated in a fraud and misrepresentation in connection with racing, or in a similar, related or like practice, by falsely reporting cash shortages from her teller drawer in violation of Racing Law §213(2) and 9 NYCRR 4002.9(a) and/or was financially irresponsible and displayed financial irresponsibility reflecting on her experience, character and general fitness by having irresponsible cash shortages in violation of Racing Law §213(2) and (NYCRR 4002.9(a) and 4002.19. The Board modified the Hearing Officer's recommended disposition of the matter and made the additional finding that leniency is warranted based upon the enforcement of NYRA's rule prohibiting mutuel clerks from taking money from cash boxes for personal use only if reported weekly shortages exceeded a teller's paycheck, tellers working in a culture in which taking weekly pay advances was condoned by some NYRA management, and Ms. McCarthy's weekly shortages being consistent with this practice. The Board ordered that Ms. McCarthy's license to participate as a mutuel clerk or otherwise in pari-mutuel racing be suspended for sixty (60) days beginning on May 2, 2007, but with the final thirty (30) days to be stayed and thereafter discharged providing that during the year following her return to employment in June 2007, she commits no violation of Board rules. The Board further imposed a fine in the amount of \$2,000 to be paid in full by June 1, 2007.

11. IN THE MATTER OF CARL PETROSINO

The Board found that Carl Petrosino, a mutuel clerk, during race meetings in 1996-1998, attempted and participated in a fraud and misrepresentation in connection with

racings, or in a similar, related or like practice, by falsely reporting cash shortages from his teller drawer in violation of Racing Law §213(2) and 9 NYCRR 4002.9(a) and/or was financially irresponsible and displayed financial irresponsibility reflecting on his experience, character and general fitness by having irresponsible cash shortages in violation of Racing Law §213(2) and (NYCRR 4002.9(a) and 4002.19. The Board modified the Hearing Officer's recommended disposition of the matter and made the additional finding that leniency is warranted based upon the enforcement of NYRA's rule prohibiting mutuel clerks from taking money from cash boxes for personal use only if reported weekly shortages exceeded a teller's paycheck, tellers working in a culture in which taking weekly pay advances was

condoned by some NYRA management, and Mr. Petrosino's weekly shortages being consistent with this practice. The Board ordered that Mr. Petrosino's license to participate as a mutuel clerk or otherwise in pari-mutuel racing be suspended for sixty (60) days beginning on May 2, 2007, but with the final thirty (30) days to be stayed and thereafter discharged providing that during the year following his return to employment in June 2007, he commits no violation of Board rules. The Board further imposed a fine in the amount of \$2,000 to be paid in full by June 1, 2007.

12. IN THE MATTER OF WILLIAM ZAMMITTO

The Board found that William Zammitto, a mutuel clerk, during race meetings in 1996-1998, attempted and participated in a fraud and misrepresentation in connection with racing, or in a similar, related or like practice, by falsely reporting cash shortages from his teller drawer in violation of Racing Law §213(2) and 9 NYCRR 4002.9(a) and/or was financially irresponsible and displayed financial irresponsibility reflecting on his experience, character and general fitness by having irresponsible cash shortages in violation of Racing Law §213(2) and (NYCRR 4002.9(a) and 4002.19. The Board modified the Hearing Officer's recommended disposition of the matter and made the additional finding that leniency is warranted based upon the enforcement of NYRA's rule prohibiting mutuel clerks from taking money from cash boxes for personal use only if reported weekly shortages exceeded a teller's paycheck, tellers working in a culture in which taking weekly pay advances was condoned by some NYRA management, and Mr. Zammitto's weekly shortages being consistent with this practice. The Board ordered that Mr. Zammitto's license to participate as a mutuel clerk or otherwise in pari-mutuel racing be suspended for sixty (60) days beginning on May 2, 2007, but with the final thirty (30) days to be stayed and thereafter discharged providing that during the year following his return to employment in June 2007, he commits no violation of Board rules. The Board further imposed a fine in the amount of \$2,000 to be paid in full by June 1, 2007.

13. IN THE MATTER OF DANIEL BERGIN

The Board found that Daniel Bergin, a mutuel clerk who operated as a mini-dealer, during race meetings in 1996-1998, attempted and participated in a fraud and misrepresentation in connection with racing, or in a similar, related or like practice, by falsely reporting cash shortages from his mutuel monies in violation of Racing Law §213(2) and 9 NYCRR 4002.9(a) and/or was financially irresponsible and displayed financial irresponsibility reflecting on his experience, character and general fitness by having irresponsible cash shortages in violation of Racing Law §213(2) and 9 NYCRR 4002.9(a) and 4002.19. The Board modified the Hearing Officer's recommended disposition of the matter and made the additional finding that leniency is warranted based upon the enforcement of NYRA's rule prohibiting mutuel clerks

and mini-dealers only partially, and tellers and mini-dealers working in a culture in which taking weekly pay advances was condoned by some NYRA management, although Mr. Bergin acknowledged that his shortages mostly resulted from his own errors, at times exceeded even NYRA's lax rule that shortages be less than the employee's next paycheck, and were so large and unpatterned as to have been consistent with other illegal activities, an inference permissible even absent proof of such illegalities. The Board ordered that Mr. Bergin's license to participate as a mutuel clerk or otherwise in pari-mutuel racing be suspended for sixty (60) calendar days beginning on May 2, 2007. The Board further imposed a fine in the amount of \$3,000 to be paid in full by July 1, 2007.

14. NEVADA GOLD – VERNON DOWNS, INC. – TRACK AND SIMULCAST LICENSE APPLICATIONS FOR 2007

On March 22, 2007, the New York State Racing and Wagering Board granted temporary track and simulcast licenses for 2007 to Nevada Gold-Vernon Downs, Inc. conditioned upon the following:

1. Complete copies (including all attachments) of the executed loan documents for new financing must be received by the Board no later than close of business on April 2, 2007, including the loan extension with Vestin and the personal loan obtained to pay off the All Capital LLC loan.
2. A copy of the satisfaction of the loan agreement with All Capital LLC and release of the mortgage showing that the All Capital LLC/ Shawn Scott loan and related mortgage has been paid must be received by the Board no later than close of business on April 2, 2007.
3. Signed sworn statements from the principal of Nevada Gold-Tioga Downs, Inc., and of Nevada Gold and Casinos, Inc., that Shawn Scott has no ownership interest, loans, or other business dealings with Nevada Gold-Vernon Downs Inc., American Racing LLC or any of their affiliates or partners, including any influence and control individually or through any business entity must be received by the Board no later than close of business on April 2, 2007.
4. The outstanding required disclosures regarding the following individuals must be received by the Board no later than April 30, 2007:
 - i. Paul Marsiglio (Track Power)
 - ii. Dana Gilman (Track Power)
5. There shall be no material (1% or more) change to management or any beneficial interest, direct or indirect, in debt or equity related to the ownership, debt, or operation of the track, nor to the persons who are officers or directors of the applicant including affiliates, lenders and owner unless and until Board staff has made a preliminary finding of suitability.

The Board assigned races dates for only April 2007. This underscores the necessity that the aforementioned conditions be completed in a timely manner.

If circumstances change and the application no longer presents complete and accurate facts, the applicant must submit to the Board an amended answer to the question affected. When doing so, the applicant is to mark the submission as "Amendment to License Application" - question number - and the change in detail, properly attested.

Approval for the temporary licenses and the April 2007 race dates will be automatically rescinded if the first three conditions are not met by April 2, 2007.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. YONKERS PEACE OFFICERS – CONDITIONS FULFILLED AND LICENSES ISSUED

The following individuals were conditionally approved by the Board to serve as special policemen within and around the grounds of Yonkers Raceway. The federal fingerprint history report had been received for these individuals and no derogatory information was revealed.

Therefore, the conditions have been fulfilled and the licenses for these individuals have been issued.

Augustin, Clint
Aviles, Abraham
Barros, Richard
Benjamin, Neville
Bragg, Patience
Brown, Michael
Carretta, Joseph
Charles, Pierre
Crockett, Charles
Danclar, Kenyatta
DeJesus, Richard
DeMaio, Mary
Diaz, Richard
Durant, Thomas
Fortuniewicz, John
Fraternale, Matthew
Golden, Jeremy
Gray, Christopher
Griffiths, Desmond
Horn, Christopher
Jackson, Steven
Johnson, Reginald
Jerry, Christine
Mattioli, Pasquale
McShaw, Lillian
Morano, Joseph
Nixon, Robert
Ortiz, Anthony
Paiusco, Joseph
Parris, Trevor
Ramrattan, Ramesh
Ritti, Sam

Robinson, Norris
Rodriguez, Anthony
Sanchez, Fernando

Sanchez, Raymond
Soto, Marie
Valentin, Kenneth
Vasquez, Paul
Wilkes, Barry

2. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between February 7, 2007 – March 6, 2007.

3. GAMES OF CHANCE/BELL JAR TICKETS

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between February 1, 2007 – February 28, 2007.

4. LICENSING/CURRENT LICENSE COUNT

The current racing licensing counts as of February 28, 2007 since January 1, 2007 are as follows: total receipts 2,261 and total licenses 612 for the year 2006.

5. 2007 LICENSED SUPPLIERS

List of licensed suppliers and manufacturers for the time period of February 1, 2007 through February 28, 2007.

6. INDIAN GAMING/LICENSING STATISTICS

Licensing statistics for February 1, 2007 through February 28, 2007. Also included are the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

Meeting adjourned at 12:10 p.m.