



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF JULY 21, 2009**

A meeting of the New York State Racing and Wagering Board was held on Tuesday, July 21, 2009 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 11:04 a.m.

In Attendance Were:

John D. Sabini, Chairman
Daniel D. Hogan, Member
John B. Simoni, Member
Ronald G. Ochrym, Executive Director
Robert Feuerstein, General Counsel
Joseph Lynch, Director of Racing Operations
Jim Kellogg, Audits & Investigations
Gail Pronti, Secretary to the Board

Also in Attendance Were:

Joseph Mahoney, NYSR&WB
Kristen Buckley, NYSR&WB
Vivian Davis, NYSR&WB
Robert Hemsworth, Capital OTB
Paul Post, Saratogian
Justin Mason, Gazette

OPEN COMMENT PERIOD: No comments were made.

A. The Board approved the minutes of the Board meeting held on May 27, 2009.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. **BUFFALO RACEWAY – REQUEST TO CONDUCT TRIPLE CROWN CONTEST**

For entry into the minutes, on May 22, 2009, the New York State Racing and Wagering Board approved the May 18, 2009 Buffalo Trotting Association, Inc. request to conduct a Belmont Stakes-related promotion on June 6, 2009.

2. **BUFFALO RACEWAY – REQUEST TO ALLOW VIDEO REPLAYS OF BUFFALO RACES ON USTA WEBSITE**

For entry into the minutes, on June 19, 2009, the New York State Racing and Wagering Board approved the April 22, 2009 request of Buffalo Raceway to provide official race replays to the USTA for the specific purposes set forth in the agreement dated April 22, 2009.

3. **BUFFALO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**

For entry into the minutes, on July 1, 2009, 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 Northfield Park, Ohio through December 31, 2009.

4. **CAPITAL DISTRICT REGIONAL OTB – JUNE 2009 PROMOTIONS**

For entry into the minutes, on May 28, 2009, the New York State Racing and Wagering Board approved the May 26 and 27, 2009 applications by the Capital District Regional Off-Track Betting Corporation to conduct the June 2009 promotions and handicapping contests specified in the applications. It is required that at least fifty percent of the races included in each handicapping contest be races run in New York State.

5. **CAPITAL DISTRICT REGIONAL OTB – CLOSURE OF E-Z BET BRANCH – FORT PLAIN**

For entry into the minutes, on June 10, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation's plan of operation to reflect the closure effective June 30, 2009 of the branch located at 36 Canal Street in Fort Plain, N.Y.

6. **CAPITAL DISTRICT REGIONAL OTB – JULY 2009 PROMOTIONS**

For entry into the minutes, on June 29, 2009, the New York State Racing and Wagering Board approved the June 24, 2009 application of the Capital District Regional Off-Track Betting Corporation to conduct the July 2009 promotions and handicapping contests specified in the application.

7. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on June 24, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District OTB Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Presque Isle Downs & Casino, Pennsylvania through September 26, 2009.
8. **CATSKILL REGIONAL OTB – REQUEST TO CONTINUE TO OFFER HANDICAPPING TOURNAMENTS**
For entry into the minutes, on June 12, 2009, the New York State Racing and Wagering Board approved the June 8, 2009 Catskill OTB request to conduct promotional handicapping tournament/contests using specified Catskill OTB branches on the specified dates during the Belmont Park meeting.
9. **CATSKILL REGIONAL OTB – REQUEST TO CONTINUE TO OFFER HANDICAPPING CONTESTS AT VARIOUS BRANCHES**
For entry into the minutes, on June 24, 2009, the New York State Racing and Wagering Board approved the Catskill Regional OTB request to conduct promotional handicapping tournaments/contests (2009 Catskill Club Handicap Challenge Series) between June 24 and July 24, 2009 on the specific dates and at the specific locations identified in the June 18, 2008 application to the Board.
10. **FINGER LAKES RACETRACK – JUNE 2009 PROMOTIONS**
For entry into the minutes, on May 22, 2009, the New York State Racing and Wagering Board approved the May 14, 2009 Finger Lakes Racetrack request to conduct the following proposed promotions/events during June 2009: Club 55 (formerly Senior Days) every Tuesday and the \$1,000.00 “Hit the Board” Eliminator Challenge on June 13, 20 and 27, 2009.
11. **FINGER LAKES RACETRACK – JULY 2009 PROMOTIONS**
For entry into the minutes, on June 19, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to conduct the following proposed promotions/events through October of 2009.
 1. On Saturday July 18, August 15 and September 19 Handicapping Challenges with the final on Saturday October 10, 2009; and
 2. A mystery voucher promotion on Saturday, August 1, 2009.
12. **FINGER LAKES RACETRACK – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on May 27, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Stevenson & Associates, Inc. for purposes of simulcasting to Hipodromo Camarero & specified off-track betting facilities in Puerto Rico), through December 5, 2009.

13. For entry into the minutes, on June 4, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to Twin River, Rhode Island through December 5, 2009.
14. **MONTICELLO RACEWAY – REQUEST TO ADD RACE DATE**
For entry into the minutes, on May 21, 2009, the New York State Racing and Wagering Board approved the Monticello Gaming and Raceway request to add a race day on Friday, June 5, 2009 with the first post time at 1:10 pm.
15. **MONTICELLO RACEWAY – REQUEST TO CONDUCT SIX SUPERFECTAS PER RACING PROGRAM THROUGH THE END OF 2009**
For entry into the minutes, on June 22, 2009, the New York State Racing and Wagering Board approved the request to conduct six superfectas per program of races at Monticello Raceway during the period from July 1, 2009 through December 31, 2009 on any authorized race date.
16. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on May 21, 2009, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Ocean Downs, Maryland through October 1, 2009.
17. For entry into the minutes, on May 27, 2009, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Rockingham Park, New Hampshire from June 6, 2009 through August 30, 2009.
18. For entry into the minutes, on June 4, 2009, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Sterling Suffolk Racecourse, LLC, Massachusetts through December 31, 2009.
19. For entry into the minutes, on June 24, 2009, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Indiana Downs (Harness Meet), Indiana from July 24, 2009 through November 10, 2009.
20. For entry into the minutes, on July 1, 2009, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Northfield Park Associates, LLC, Ohio through December 31, 2009.
21. For entry into the minutes, on July 1, 2009, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its harness racing programs for wagering purposes during the year 2009 to Phumelela Gold International Limited (with two [2] identified secondary sites), Isle of Man.

22. For entry into the minutes, on July 1, 2009, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from FR Park Racing (Freehold Raceway), New Jersey through August 31, 2009.
23. **NASSAU REGIONAL OTB – REQUEST TO OFFER “ACE OF CARLE PLACE” HANDICAPPING CONTEST**
For entry into the minutes, on May 22, 2009, the New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation’s May 18, 2009 request to conduct the “Ace of Carle Place” Handicapping Contest on June 12, June 19, June 26, 2009 with a final on July 10, 2009.
24. **NASSAU REGIONAL OTB – REQUEST TO OFFER RACE PALACE HANDICAPPING CONTEST**
For entry into the minutes, on June 19, 2009, the NYS Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation application dated June 11, 2009 to conduct The Palace Crown Handicapping Contest to be held at the Race Palace Teletheater on August 11, 2009.
25. **NEW YORK CITY OTB – REQUEST TO CONDUCT ACCOUNT WAGERING PROMOTION**
For entry into the minutes, on May 27, 2009, the New York State Racing and Wagering Board approved the New York City Off-Track Betting Corporation request dated May 22, 2009 to offer an account wagering promotion for customers who deposit money through Accurate Cash Access or Money Movers of America. This promotion would begin on Thursday, May 28 and continue through Tuesday, June 30, 2009.
26. **NEW YORK CITY OTB – CLOSURE OF 215 WEST 125TH STREET BRANCH #1011**
For entry into the minutes, on May 27, 2009, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation’s plan of operation to reflect the closure effective May 25, 2009 of branch #1011 located at 215 West 125th Street in Manhattan.
27. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on May 22, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Arlington Park, Illinois through September 30, 2009.
28. For entry into the minutes, on May 22, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of New York City Off-Track Betting Corporation, Capital District Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation and Western Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Louisiana Downs, Louisiana through October 4, 2009.

29. For entry into the minutes, on June 10, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Pinnacle Race Course, Michigan through October 24, 2009.
30. For entry into the minutes, on June 19, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Rockingham Park, New Hampshire through August 30, 2009.
31. For entry into the minutes, on June 19, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Colonial Downs L.P. (Thoroughbred Meet), Virginia through July 28, 2009.
32. **NYRA – EXTENSION OF APPRENTICESHIP - VICTOR SANTIAGO**
For entry into the minutes, on May 18, 2009, the New York State Racing and Wagering Board approved an extension for the qualified apprentice year of jockey Victor E. Santiago of an additional eighty (80) days. Mr. Santiago's apprenticeship was originally scheduled to expire on May 21, 2009. The expiration date has been extended to August 9, 2009.
33. **NYRA – REQUEST TO CONDUCT BELMONT STAKES DAY WAGERING**
For entry into the minutes, on May 29, 2009, the New York State Racing and Wagering Board approved the New York Racing Association's May 27, 2009 request to conduct the following wagering related to the 2009 Belmont Stakes day program:
 1. Advance wagering on Friday, June 5, 2009 only for the June 6, 2009 Belmont Stakes
 2. Two-day daily double with the Brooklyn Handicap as the first leg and the Belmont Stakes as the second leg (usual daily double takeout applies)
 3. One million dollar Guaranteed Pick 6 Pool on June 6, 2009 beginning on Race 6
 4. One million dollar Guaranteed Pick 4 Pool on June 6, 2009 beginning on Race 8.
34. **NYRA – REQUEST TO OFFER SUPERFECTAS ON 2009 BELMONT STAKES**
For entry into the minutes, on June 1, 2009, the New York State Racing and Wagering Board approved the New York Racing Association request to offer superfecta wagering on Friday, June 5, 2009 and Saturday, June 6, 2009 (Belmont Stakes Day) in all graded stakes where at least seven (7) entries are present. This approval is limited to graded stakes races on these dates.
35. **NYRA – EXTENSION OF APPRENTICESHIP - SHELDON RUSSELL**
For entry into the minutes, on June 4, 2009, the New York State Racing and Wagering Board approved an extension of sixty-two (62) days for the qualified apprentice period of jockey Sheldon Russell. Mr. Russell's apprenticeship expired on May 3, 2009. It was extended through July 4, 2009.

36. **NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on May 22, 2009, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Louisiana Downs (Thoroughbred Meet), Louisiana through October 4, 2009.
37. For entry into the minutes, on June 4, 2009, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from at Pinnacle Race Course, Michigan from June 5, 2009 through October 24, 2009.
38. For entry into the minutes, on June 4, 2009, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Colonial Downs L.P. (Thoroughbred Meet), Virginia from June 5, 2009 through July 28, 2009.
39. For entry into the minutes, on June 19, 2009, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from the California Authority of Fairs, California from June 18, 2009 through October 18, 2009.
40. For entry into the minutes, on June 25, 2009, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races during the remainder of 2009 from:
1. Hastings Entertainment, Inc., British Columbia, Canada
 2. Northlands Park, Alberta, Canada.
41. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on May 27, 2009, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast the 2009 Belmont Stakes for separate pool wagering purposes to TABCORP, Australia and to the New Zealand Racing Board, New Zealand.
42. For entry into the minutes, on May 27, 2009, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast the 2009 Belmont Stakes for separate pool wagering purposes to UniTAB, Australia.
43. For entry into the minutes, on June 4, 2009, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast the June 6, 2009 Belmont Stakes for wagering purposes on a separate pool basis to the following additional secondary site, Hipodromo Nacional de Maronas, associated with the previously approved simulcasts to Hipodromo Presidente Remon, Panama.

44. For entry into the minutes, on June 4, 2009, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast the June 6, 2009 Belmont Stakes only for wagering purposes on a separate pool basis to Hipodromo San Isidro Race Track and the specified OTBs, Argentina.
45. For entry into the minutes, on June 4, 2009, the New York State Racing and Wagering Board approved The New York Racing Association's request to simulcast its thoroughbred racing programs for wagering purposes to Wonderland Greyhound Park, Massachusetts through September 7, 2009.
46. For entry into the minutes, on June 19, 2009, the New York State Racing and Wagering Board approved The New York Racing Association's request to simulcast its thoroughbred racing programs for wagering purposes to the California Authority of Fairs (with thirty three [33] sites), California from June 17, 2009 through October 18, 2009.
47. **SARATOGA HARNESS – REQUEST TO CONDUCT INDIVIDUAL HANDICAPPING CONTESTS ON THE FOUR FRIDAYS IN AUGUST 2009**
For entry into the minutes, on July 1, 2009, the NYS Racing and Wagering Board approved the Saratoga Gaming and Raceway's July 24, 2009 application to conduct individual handicapping contests on August 7, 14, 21 and 28, 2009.
48. **SARATOGA HARNESS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on May 22, 2009, 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 Louisiana Downs (Thoroughbred Meet), Louisiana through October 4, 2009.
49. For entry into the minutes, on May 28, 2009, 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 Ocean Downs, Maryland through October 1, 2009.
50. For entry into the minutes, on June 4, 2009, 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 Colonial Downs L.P. (Thoroughbred Meet), Virginia from June 5, 2009 through July 28, 2009.
51. **SUFFOLK REGIONAL OTB – 2009 NEW YORK STATEWIDE ROTB HANDICAPPING CONTEST**
For entry into the minutes, on June 10, 2009, the New York State Racing and Wagering Board approved the June 3, 2009 application on behalf of all six New York State off-track betting corporations to conduct the 2009 New York State Statewide OTB \$75,000.00 handicapping contest with the preliminaries to be held on Saturday, October 3, 2009 and the finals on October 24, 2009.

52. **SUFFOLK REGIONAL OTB – REQUEST TO OFFER GRAND OPENING PROMOTIONS AT TOMMY’S PLACE AND TOMMY’S PLACE AT ROCKY POINT**
For entry into the minutes, on June 10, 2009, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation’s July 3, 2009 request to amend their plan of operation to offer two hundred fifty (250) free two-dollar vouchers to those in attendance at Tommy’s Place 2 on Friday, July 17, 2009 and at Tommy’s Place 1 on Friday, July 24, 2009 in conjunction with the specified Grand Opening promotions.
53. **TIOGA DOWNS – REQUEST TO ALLOW USTA TO DISPLAY RACE REPLAYS ON WEBSITE**
For entry into the minutes, on June 19, 2009, the New York State Racing and Wagering Board approved the April 15, 2009 request of Tioga Downs to provide official race replays to the USTA for the specific purposes set forth in the agreement dated April 14, 2009.
54. **TIOGA DOWNS – REQUEST TO CONDUCT “NAME THAT FOAL” PROMOTION**
For entry into the minutes, on July 1, 2009, the New York State Racing and Wagering Board approved the American Racing-Tioga Downs, Inc. June 30, 2009 request to conduct the “Name That Foal” contest on Sunday, July 19, 2009 at Tioga Downs.
55. **TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on June 4, 2009, 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 Canterbury Park, Minnesota through August 30, 2009 with the exclusion of Claiming Crown Day on July 25, 2009.
56. For entry into the minutes, on June 4, 2009, 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 Rockingham Park, New Hampshire from June 6, 2009 through August 30, 2009.
57. For entry into the minutes, on June 4, 2009, 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 Colonial Downs L.P. (Thoroughbred Meet), Virginia from June 5, 2009 through July 28, 2009.
58. **TIOGA DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on June 4, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to Scarborough Downs, Maine through September 12, 2009.

59. **VERNON DOWNS – REQUEST TO OFFER 2009 HORSEPLAY CAR GIVEAWAY**
For entry into the minutes, on June 17, 2009, the New York State Racing and Wagering Board approved the American Racing-Vernon Downs, Inc. request to conduct the Horse Play Car giveaway contest to take place every live racing night through September 25, 2009 at Vernon Downs in accordance with the rules submitted to the Board, as revised on June 16, 2009.
60. **VERNON DOWNS – REQUEST TO POST REPLAYS OF RACES TO USTA WEBSITE**
For entry into the minutes, on June 19, 2009, the New York State Racing and Wagering Board approved the April 15, 2009 request of Vernon Downs to provide official race replays to the USTA for the specific purposes set forth in the agreement dated April 21, 2009.
61. **VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on June 4, 2009, 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 Canterbury Park, Minnesota through August 30, 2009 with the exclusion of Claiming Crown Day on July 25, 2009.
62. For entry into the minutes, on June 4, 2009, 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 Rockingham Park, New Hampshire from June 6, 2009 through August 30, 2009.
63. For entry into the minutes, on June 4, 2009, 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 Colonial Downs L.P. (Thoroughbred Meet), Virginia from June 5, 2009 through July 28, 2009.
64. **VERNON DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on June 4, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Scarborough Downs, Maine through November 7, 2009.
65. **WESTERN REGIONAL OTB – REQUEST TO OFFER SUMMER HANDICAPPING CONTEST**
For entry into the minutes, on May 22, 2009, the Board approved the Western Regional OTB May 18, 2009 request to conduct the “OTB Summer Handicapping Contest” from May 31 through July 18, 2009 with the finals to be held at Batavia Downs on September 19, 2009.

66. WESTERN REGIONAL OTB/BATAVIA DOWNS – 2009 RACING PROMOTIONS

For entry into the minutes, on July 1, 2009, the New York State Racing and Wagering Board approved the Western OTB/Batavia Downs June 22, 2009 request to conduct the following promotions at Batavia Downs during 2009:

- The BDC Calendar Giveaway
- Friday Night Handicapping Contest
- The Cash Cube Contest, the Odd-Even Challenge Contest
- The Pick Six Promotion and the Lucky Wager Promotion
- Guaranteed Winner Night.

67. WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009

For entry into the minutes, on July 1, 2009, the New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Fort Erie Race Track, Ontario, Canada from July 6, 2009 through October 27, 2009.

68. YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009

For entry into the minutes, on May 22, 2009, 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. Scioto Downs, Ohio through September 19, 2009
2. Presque Isle Downs & Casino, Pennsylvania through September 26, 2009.

69. For entry into the minutes, on May 22, 2009, 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 Louisiana Downs (Thoroughbred Meet), Louisiana through October 4, 2009.

70. For entry into the minutes, on May 27, 2009, 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 Rockingham Park, New Hampshire from June 6, 2009 through August 30, 2009.

71. For entry into the minutes, on June 4, 2009, 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 Running Aces Harness Park, Minnesota through August 9, 2009.

72. For entry into the minutes, on June 12, 2009, 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 Sterling Suffolk Racecourse, LLC, Massachusetts through December 31, 2009.

73. For entry into the minutes, on June 12, 2009, 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 Prairie Meadows Racetrack and Casino, Inc., Iowa through October 24, 2009.
74. For entry into the minutes, on June 19, 2009, 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 Grand Prairie Regional Agricultural and Exhibition Society d/b/a Evergreen Park, Alberta, Canada through September 27, 2009.
75. For entry into the minutes, on July 1, 2009, 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 the California Authority of Fairs (eight [8] sites), California through October 18, 2009.
76. **YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on July 1, 2009, the New York State Racing and Wagering Board approved Yonkers Raceway’s request to simulcast its harness racing programs for wagering purposes to The Lodge at Belmont, New Hampshire through December 31, 2009.

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

1. **IN THE MATTER OF MICHAEL L. DAVILA, JR. (SUMMARY SUSPENSION)**
For entry into the minutes, on May 5, 2009, the New York State Racing and Wagering Board summarily suspended the jockey license of Michael L. Davila based upon a positive human drug test in violation of the conditions of his license and a finding that the public safety and welfare imperatively required this emergency action.
2. **NEW YORK CITY OTB – APPOINTMENT OF NEW MEMBERS TO BOARD OF DIRECTORS – NEWMAN & BERGAMO**
For entry into the minutes, on May 21, 2009, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation’s plan of operation to reflect the appointment of Steven Newman and Anthony Bergamo as members of the New York City Off-Track Betting Corporation’s Board of Directors.
3. **REINSTATEMENT OF NORBERTO ARROYO, JR.**
For entry into the minutes, on May 27, 2009, the New York State Racing and Wagering Board approved the reinstatement of Norberto Arroyo, Jr. to participate in pari-mutuel thoroughbred racing.
4. **REINSTATEMENT OF THOMAS G. MILICI**
For entry into the minutes, on May 27, 2009, the New York State Racing and Wagering Board denied the reinstatement of Thomas G. Milici as a pari-mutuel harness racing licensee.

5. **NASSAU REGIONAL OTB – REQUEST TO AMEND ACCOUNT WAGERING PROGRAM**
For entry into the minutes, on June 1, 2009, the New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation’s March 30, 2009 request to amend its plan of operation to authorize the use of permanent wagering accounts by individual account holders for purposes of handicapping contests.
6. **YONKERS RACEWAY – REQUEST FOR APPROVAL OF PEACE OFFICER**
For entry into the minutes, on June 16, 2009, pursuant to Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board granted Yonkers Racing Corporation’s request to approve the appointment of Benjamin Heard as a special policeman within and around the grounds of Yonkers Raceway.
7. **NEW YORK CITY OTB – REQUEST TO APPOINT NEW CHAIRMAN OF THE BOARD – MEYER S. FRUCHER**
For entry into the minutes, on June 17, 2009, the New York State Racing and Wagering Board approved amendments to the New York City Off-Track Betting Corporation’s plan of operation to reflect the following changes:
 - The resignation of David Cornstein as Chairman of the Board of Directors of the Corporation
 - The resignation of Timothy Gilchrist as a Member of the Board of Directors
 - The appointment of Meyer S. Frucher as a Member of the Board of Directors, as well as the designation by the Governor for Mr. Frucher to serve as Chairman of the Board of Directors.
8. **IN THE MATTER OF ALVIN COLON – SUMMARY SUSPENSION**
For entry into the minutes, on June 25, 2009, the New York State Racing and Wagering Board summarily suspended the exercise rider/apprentice jockey licenses of Alvin Colon based upon a positive human drug test in violation of the conditions of his licenses and a finding that the public safety and welfare imperatively required this emergency action.
9. **IN THE MATTER OF BETH AARON SYNAGOGUE SISTERHOOD – SUMMARY SUSPENSION**
For entry into the minutes, on July 1, 2009, the New York State Racing and Wagering Board summarily suspended the identification number and charitable gaming license of the Beth Aaron Synagogue Sisterhood based upon the guilty pleas of Rabbis Sroya and Mordecai Abraham Sorcher to embezzling money and a finding that the public safety and welfare imperatively required this emergency action.
10. **NYRA – REQUEST TO VIDEO STREAM LIVE “TALKING HORSES” SHOW**
For entry into the minutes, on July 1, 2009, the New York State Racing and Wagering Board approved the April 2, 2009 request of the New York Racing Association to video stream live the “Talking Horses” show to be produced on-track by NYRA and the Daily Racing Form, Inc. during the Saratoga race meeting.

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

1. YONKERS RACEWAY – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS

The New York State Racing and Wagering Board assigned to Yonkers Raceway the race dates requested for the months of August and September, 2009 only.

2. MONTICELLO RACEWAY – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS

The New York State Racing and Wagering Board assigned to Monticello Raceway the race dates requested for the months of August and September, 2009 only.

3. BATAVIA DOWNS/WESTERN REGIONAL OTB – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS

The New York State Racing and Wagering Board assigned to Western Regional OTB/ Batavia Downs the race dates requested for the months of July and August, 2009 only.

The Board deferred action on the Batavia Downs track and simulcast license applications pending receipt of an amended request for race dates to reflect a total of 72 dates specified in the new agreement with its horsemen.

4. CATSKILL REGIONAL OTB – REQUEST TO RELOCATE SUFFERN BRANCH TO RAMAPO, NY

The New York State Racing and Wagering Board deferred action on the Catskill OTB request to relocate its 140 Orange Avenue, Suffern, N.Y. branch to 84 Route 59 in the Town of Ramapo, New York.

5. CAPITAL DISTRICT REGIONAL OTB – MODIFY CASH REWARDS PROGRAM – INCREASE REWARDS PERCENTAGE ACCUMULATION

The New York State Racing and Wagering Board approved the May 11, 2009 request by Capital District Regional Off-Track Betting Corporation to amend their Plan of Operation to modify its Monthly Rewards Schedule. The following table reflects the increased reward percentages that were approved:

<u>Point Level</u>	<u>WPS</u>	<u>2-Horse</u>	<u>Exotic</u>
2,000	1.25%	1.25%	1.50%
4,000	1.75%	1.75%	2.00%
8,000	1.75%	2.00%	2.50%
15,000	1.75%	2.25%	3.00%
20,000	1.75%	2.50%	3.50%
40,000	2.25%	2.75%	4.00%
50,000	5.00%	5.00%	5.00%

6. NOTICE OF PROPOSED RULEMAKING – EXEMPTING CERTAIN RAFFLES FROM REGISTRATION & LICENSING - RULE 5620.22

The New York State Racing and Wagering Board approved the submission to the Department of State of a Consensus Rulemaking to conform Rule 5620.22 to the licensing and registration provisions of Section 190-a of the General Municipal Law. This rule will implement the provisions of Chapter 678 of the laws of 2004, which eliminated the requirement that authorized organizations obtain Board identification numbers and licenses when conducting raffles in which the proceeds will not meet or exceed over \$5,000 for a single raffle, or \$20,000 for a series of raffles conducted during a calendar year.

7. IN THE MATTERS OF FRANK C. CALECA & ROBERT H. MERTON

The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr. and suspended the license of harness racing/trainer Frank C. Caleca for sixty (60) days and fined him \$1,000 based upon excessive TCO2 level in the horse ARMBRO CHIVALRY, trained by him, which competed at Yonkers Raceway on December 8, 2008, in violation of Board Rules 4120.13 and 4120.4.

The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr. and suspended the license of harness racing trainer Robert Merton for seventy-five (75) days and fined him \$2,500 based upon excessive TCO2 level finding in the horse ART OF WAR, trained by him, which competed at Yonkers Raceway on April 14, 2008, in violation of Board Rules 4120.13 and 4120.4.

8. IN THE MATTER OF GENERAL B. WASHINGTON, JR.

The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr. and suspended the license of harness driver General B. Washington, Jr. for eight (8) days because while driving the horse MICHELPANGELO he interfered with the horse ANALYST N causing him to break stride in the 5th race on April 2, 2009 at Monticello Raceway, in violation of Board Rule 4117.4(a), (b) and (k).

9. IN THE MATTER OF DIANA BARTELLS - DISQUALIFICATION OF MICHELPANGELO AT MONTICELLO

The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr., granted the summary judgment motion and dismissed the appeal of owner Diana Bartells who appealed the placement decision of the judges that disqualified MICHELPANGELO and placed that horse 8th during the 5th race on April 2, 2009 at Monticello Raceway based upon violation of Board Rules 4117.4(a), (b), and (k).

10. IN THE MATTER OF OMAR GONZALEZ

The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr. and revoked the thoroughbred groom's license of Omar Gonzalez based upon his admission of marijuana use, his voluntary surrender of his license, and failure to comply with the terms of the voluntary surrender.

11. **IN THE MATTER OF MARY L. JONES AND PAUL M. JONES**
The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr. and revoked the harness racing owner/trainer/provisional driver's licenses of Mary L. Jones and Paul M. Jones based upon a finding of financial irresponsibility (Board Rule 4102.5). The Board determined that each will be allowed to reapply upon proof that the outstanding unsatisfied judgment has been satisfied.
12. **IN THE MATTER OF MARK CAPONE AND VALERIE KUTIL**
The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr. and revoked the harness racing trainer/driver's license of Mark Capone and the harness owner's license of Valerie Kutil based upon a finding of financial irresponsibility (Board Rule 4102.5). The Board determined that each will be allowed to reapply if each signs the Consent to Conditions described in the record of the proceeding.
13. **IN THE MATTER OF PERRY GOODMAN**
The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr. and revoked the harness racing groom's license of Perry Goodman based upon charges that he failed to comply with a directive to appear for a urine test and had failed to comply with the terms for the reinstatement of his license.
14. **IN THE MATTER OF ANTHONY T. GIOVANNELLI**
The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr. in reference to harness racing trainer/driver/groom Anthony Giovannelli, Jr. and imposed the following disciplinary action:
- Upheld the twenty-day license suspension and \$500 fine for the violation associated with the post-race flunixin positive
 - Found that Mr. Giovannelli engaged in wrongful and fraudulent conduct in that he "surreptitiously pilfered the bottom portions of the Blood and Urine tags" related to the post-race positive
 - Found that Mr. Giovannelli violated the terms of his Consent to Conditions for Racing Privileges, dated February 28, 2008.
 - Revoked Mr. Giovannelli's valid receipt/and or license until such time as he can demonstrate requisite fitness to participate in racing
 - Imposed a fine of \$2,500.

This matter is based upon the reported post-race flunixin positive for the horse BLAZING SHADOWS T, trained by him, which competed at Monticello Raceway on November 4, 2008 (Board Rules 4120.2[d] and 4120.4) and the charge (by Order to Show Cause dated April 27, 2009) with violation of Board Rules 4102.2, 4119.7(a)(3) and (5), and 4119.9 in relation to misconduct concerning the "disappearance" of the original sample tags associated with the November 4, 2008 equine drug positive.

15. **IN THE MATTER OF WILLIAM J. GALLION**

The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer Russell H. Baller, Jr., granted the motion for summary judgment and revoked the thoroughbred owner's license of William J. Gallion based upon grounds associated with his conviction on nine criminal counts of federal wire fraud.

16. **RULE MAKING PROPOSAL - COUPLED ENTRIES**

The New York State Racing and Wagering Board approved the proposal of amendments to the existing thoroughbred rule that governs coupling of horses in races other than races where the gross purse is greater than one million dollars. The proposal approved would amend Rule 4025.10(d) to permit trainers to enter a maximum of two horses per race as uncoupled entries provided the entries do not have common ownership. It would also amend Rule 4035.2(e) to authorize the stewards to disqualify both of the horses entered by the same trainer and run on an uncoupled basis in the event one is disqualified and in the judgment of the stewards that violation prevented any other horse from finishing ahead of the other horse trained by the same trainer.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for May 1, 2009 through May 31, 2009. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.

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

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between May 1, 2009 through May 31, 2009.

3. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from May 11, 2009 through June 11, 2009.

4. **LICENSING/CURRENT LICENSE COUNT**

The current racing licensing counts as of May 31, 2009 since January 1, 2009 are as follows: total receipts 6,984 and total licenses 5,328 for the year 2009.

5. **2009 LICENSED SUPPLIERS**

List of licensed suppliers – manufacturers' and distributors' licenses issued for the time period of May 1, 2009 through May 31, 2009.

6. **NYRA – 2009 FIRST QUARTER RESULTS FOR NYRA REWARDS**

The reports for the first quarter (January - March) of 2009 were filed on April 15, 2009.

7. **MONTICELLO RACEWAY – 2009 ANNUAL INSPECTION**
The annual inspection of Monticello Raceway was conducted on May 21, 2009. The facility was in good condition, the horsemen had no imminent concerns and there seemed to be no immediate health or safety issues.
8. **GAMES OF CHANCE/BELL JAR TICKETS**
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between June 1, 2009 through June 30, 2009.
9. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**
List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from June 11, 2009 through July 6, 2009.
10. **LICENSING/CURRENT LICENSE COUNT**
The current racing licensing counts as of June 30, 2009 since January 1, 2009 were as follows: total receipts 8,776 and total licenses 5,817 for the year 2009.
11. **2009 LICENSED SUPPLIERS**
List of licensed suppliers – manufacturers’ and distributors’ licenses issued for the time period of June 1, 2009 through June 30, 2009.
12. **VERNON DOWNS REWARDS PROGRAM - YEAR 2008 (Q1-Q4) RESULTS**
For entry into the minutes, on June 9, 2009, Vernon Downs submitted to the Board the Rewards Program reports for all four quarters of 2008.
13. **TIOGA DOWNS REWARDS PROGRAM - YEAR 2008 (Q1-Q4) RESULTS**
For entry into the minutes, on June 29, 2009, Tioga Downs submitted to the Board the Rewards Program reports for all four quarters of 2008.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

The meeting adjourned at 11:41 a.m.