

MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF AUGUST 24, 2006

A meeting of the New York State Racing and Wagering Board was held on Thursday, August 24, 2006 at 10:00 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 10:05 a.m.

In Attendance Were:

Daniel D. Hogan, Chairman

Michael J. Hoblock, Jr., Member

John B. Simoni, Member

John Cansdale, Executive Director

Robert Feuerstein, General Counsel

Joseph Lynch, Director of Racing Operations

Thomas Casaregola, Director of Audits & Investigations

Gail Pronti, Secretary to the Board

William Sekellick, Assistant Counsel

Also in Attendance Were:

Daniel Toomey, NYSR&WB

Norma Soodsma, NYSR&WB

Kristen Buckley, NYSR&WB

Vivian Davis, NYSR&WB

Alfred DeSimone, Monticello Horsemen

James Clauser, Monticello Horsemen

Robert Merton, Monticello Horsemen

Clemente Perente, Crane, Greene & Parente

Robert Hemsworth, Capital OTB

OPEN COMMENT PERIOD: Comments began at 10:04 a.m.

Clemente Parente, Esq., representing Monticello Raceway, requested that the Board not adopt the Horsemen's Contract Rule because it would be unfair to one party in a two-party process and should be at the discretion of the Board..

Comments ended at 10:05 a.m.

A. APPROVED THE MINUTES OF THE BOARD MEETING HELD JULY 27, 2006.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR.

1. BUFFALO RACEWAY – REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on August 8, 2006, the New York State Racing and Wagering Board approved an amendment to the Buffalo Raceway simulcast plan of operation authorizing simulcasting from The Red Mile in Kentucky.

**2. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR PROMOTION/
HANDICAPPING CONTEST**

For entry into the minutes, on August 8, 2006, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct a promotion providing for a handicapping contest at all branches on Wednesday, August 16, 2006, in accordance with the contest terms submitted with the application. There is a \$100 entry fee and all entry fees will be distributed in prize money. The contestant then will have to have (or put) \$100 into his or her Capital Cash Card account to have betting money to play in this contest.

**3. FINGER LAKES RACETRACK RACING OFFICIALS -CURRENT EMPLOYEES -
ROYSTON & PLACITO**

For entry into the minutes, on July 18, 2006, the New York State Racing and Wagering Board approved the appointment of Donald Royston and Patrick Placito to serve as alternate patrol,

placing and paddock judges for the 2006 racing year. This approval is issued pursuant to Board Rules 4005.1 and 4023.1.

4. FINGER LAKES RACETRACK – REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on July 26, 2006, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes simulcast plan of operation enabling the export of the simulcast signal from Finger Lakes for use in wagering by Racing Gaming Services LTD (RGS).

All contracts are conditioned upon the terms of the Finger Lakes Racing Association, Inc. simulcast license, and all contracts are deemed amended and approval is conditioned on the following:

- a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the 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.

5. MONTICELLO RACEWAY – REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on August 3, 2006, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation enabling the export of the simulcast signal from Monticello Raceway for use in wagering by Racing Gaming Services LTD (RGS).

All contracts are conditioned upon the terms of the Monticello Raceway simulcast license, and all contracts are deemed amended and approval is conditioned on the following:

- a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the 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.

6. For entry into the minutes, on August 3, 2006, the New York State Racing and Wagering Board approved the amendment to the Monticello Raceway simulcast plan of operation enabling Monticello Raceway to import the simulcast signals and conduct wagering on the year 2006 harness simulcasts from The Red Mile in Kentucky.

7. For entry into the minutes, on August 7, 2006, the New York State Racing and Wagering Board approved the Monticello Raceway request to amend its simulcast plan of operation

enabling the import of the year 2006 simulcast signals from the harness track known as Pompano Park in Florida.

8. NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO ADD RACE DAY OF SATURDAY, AUGUST 19, 2006

For entry into the minutes, on July 13, 2006, the New York State Racing and Wagering Board assigned August 19, 2006 as an additional race day. Under the terms and conditions of its license, Tioga Downs may hold up to twelve races per day.

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

9. NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO OFFER PROMOTIONS

For entry into the minutes, on July 27, 2006, the New York State Racing and Wagering Board approved the 2006 Nevada Gold-Tioga Downs application to conduct the events as requested and specifically listed in the application dated July 26, 2006. There is no entry fee for any of these contests.

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

For entry into the minutes, on July 13, 2006, the New York State Racing and Wagering Board approved the plan of operation amendment to authorize Nevada Gold -Tioga Downs, Inc. to import the simulcast harness racing program from Thistledown, in Ohio. All contracts are conditioned upon the terms of the Nevada Gold-Tioga Downs, Inc. simulcast license, and all pari-mutuel activity, payments and settlements must be made with Nevada Gold-Tioga Downs, Inc.

11. For entry into the minutes, on July 13, 2006, the New York State Racing and Wagering Board approved the simulcast from Nevada Gold-Tioga Downs, Inc. to Scarborough Downs in Maine.

** See conditions below

12. For entry into the minutes, on July 14, 2006, the New York State Racing and Wagering Board approved the simulcast from Nevada Gold-Tioga Downs, Inc. to Penn National Race Course, in Pennsylvania, and to Delaware Park, in Delaware.

** See conditions below

13. For entry into the minutes, on August 2, 2006, the New York State Racing and Wagering Board approved the Nevada Gold-Tioga Downs, Inc. simulcast of Tioga Downs' racing for purposes of the display of simulcasts and the acceptance of wagering to Autotote enterprises (Connecticut Off-Track Betting). Included within this approval are the satellite locations of the Mohegan Sun Racebook in Uncasville and the simulcast facilities of Sports Haven in New Haven, Bradley Teletheater in Windsor Locks, Shoreline Star in Bridgeport and the OTBs located in New Britain, Bristol, Hartford and Torrington. Also included are the non-simulcast OTB facilities in Connecticut of East Haven, Norwalk, Bridgeport, Milford and Waterbury.

** See conditions below

- 14.** For entry into the minutes, on August 3, 2006, the New York State Racing and Wagering Board approved the amendment to the Nevada Gold-Tioga Downs, Inc. simulcast plan of operation enabling the import of the simulcast and wagering on The Red Mile in Kentucky.

The Board also approved the display of the Tioga Downs simulcasts and the acceptance of wagering at Suffolk Downs in Massachusetts.

** All contracts are conditioned upon the terms of Nevada Gold -Tioga Downs, Inc. simulcast license, and all contracts are deemed amended and approval is conditioned on the following:

- a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the 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. All pari-mutuel activity, payments and settlements must be made with Nevada Gold-Tioga Downs, Inc.

15. NYRA – REQUEST TO AMEND PLAN OF OPERATION - CHANGE FIRST RACE POST-TIME FOR FRIDAY, SEPTEMBER 1, 2006

For entry into the minutes, on July 13, 2006, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association, Inc. (“NYRA”) plan of operation to change the first post-time at Saratoga Race Course on Friday, September 1, 2006 to 3:00 p.m. from 1:00 p.m.

16. SARATOGA HARNESS – REQUEST TO ADD “ROLLING PICK THREES”

For entry into the minutes, on July 13, 2006, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway plan of operation adding “rolling pick three” wagering to races one through eleven on a thirteen race program. The wagering on the pick three will be available whenever there are three wagering races remaining on the day or night program.

17. SARATOGA HARNESS - REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on August 3, 2006, the New York State Racing and Wagering Board approved the export of the simulcast signal from Saratoga Gaming and Raceway for use in wagering by Racing Gaming Services LTD (RGS).

All contracts are conditioned upon the terms of the Saratoga Gaming and Raceway simulcast license, and all contracts are deemed amended and approval is conditioned on the following:

- a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the 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.

18. For entry into the minutes, on August 7, 2006, the New York State Racing and Wagering Board approved an amendment to Saratoga Gaming and Raceway's simulcast plan of operation authorizing the receipt of simulcasts for display and wagering purposes from Ft. Erie Race Track in Ontario, Canada.

19. WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO SIMULCAST VARIOUS LOCATIONS

For entry into the minutes, on July 13, 2006, the New York State Racing and Wagering Board approved the export of the Batavia Downs simulcast signal to Saratoga Gaming & Raceway in New York.

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

1. QUANTUM TOTALIZATOR - CATSKILL OTB, YONKERS RACEWAY, MONTICELLO RACEWAY, SARATOGA GAMING & RACEWAY, NASSAU OTB & SUFFOLK OTB

For entry into the minutes, on August 3, 2006, the New York State Racing and Wagering Board approved the Quantum totalizator system, utilizing gross pool pricing, to be used by Catskill Regional Off-Track Betting Corp., Yonkers Raceway, Monticello Raceway, Saratoga Gaming & Raceway, Nassau Regional Off-Track Betting Corp. and Suffolk Regional Off-Track Betting Corp. pursuant to Section 313 of the Racing, Pari-Mutuel Wagering and Breeding Law.

This approval is conditioned upon written notification to be provided to the Board on the day that new QDC software is implemented at the Catskill and Nassau OTB HUB's and the day the processing is moved to the QDC in Mt. Laurel, New Jersey.

2. IN THE MATTER OF – ERICK J. MILLINGTON

For entry into the minutes, on August 3, 2006, the Board summarily suspended the harness groom license of Erick J. Millington based on a finding that the public safety and welfare imperatively required this emergency action based upon Mr. Millington's positive test for Cocaine on July 13, 2006, in violation of Board Rule 4119.11.

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

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

1. MONTICELLO RACEWAY – HORSEMEN'S CONTRACT ARBITRATION

The New York State Racing and Wagering Board issued an Arbitration Award concerning the Horsemen's Contract at Monticello Raceway. Counsel for the Horsemen's Association is required to submit a proposed contract incorporating the provisions of the award to be settled before Assistant Counsel William Sekellick on August 24, 2006.

2. MONTICELLO RACEWAY TRACK LICENSE APPLICATION FOR 2006

On August 24, 2006, the New York State Racing and Wagering Board approved the Monticello Raceway track and simulcast license applications for 2006. The Board assigned the racing programs requested on the original application through the remainder of the 2006 racing season. The Board also approved the addition of the Friday race dates of September 1, 8, 15, 22 and 29, 2006, with a 1:10 p.m. post-time with a 12 race maximum with the ability to seek permission from the presiding judge for additional races on a "case-by-case" basis. The Board also approved the deletion of the Sunday race dates of September 10, 17 and 24, 2006, and a change in post-time for Sunday, September 3, 2006, to 5:00 p.m. to accommodate planned fireworks.

The 2006 track and simulcast licenses are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:

- a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.

- b. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- c. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either Commission or Board with such provisions specifically incorporated into contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
- d. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2006.

The Board found that Monticello Raceway had applied for at least the minimum number of pari-mutuel programs and pari-mutuel races required pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 307.5(a). The Board certified that Monticello Raceway has been assigned at least the minimum number of programs and races required to qualify for the tax rates set forth in Racing, Pari-Mutuel Wagering and Breeding Law Section 318.1.

3. MONTICELLO RACEWAY SIMULCAST LICENSE APPLICATION FOR 2006

(See number 2 above.)

4. NEW YORK CITY OTB SIMULCAST LICENSE APPLICATION FOR 2006

On August 24, 2006, the New York State Racing and Wagering Board deferred action on New York City Off-Track Betting Corporation's 2006 simulcast license application as staff continues to review matters concerning NYC OTB's financial position.

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

NYC OTB will remain operational on the continuing rights of the 2005 simulcast license. Such rights are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board, including:

Receipt of fire inspection reports on an ongoing basis.

5. NEVADA GOLD - VERNON DOWNS, INC. – TRACK LICENSE APPLICATION FOR 2006

On August 24, 2006, the New York State Racing and Wagering Board assigned 30 race days to Nevada Gold-Vernon Downs, Inc. for the conduct of pari-mutuel harness racing at Vernon Downs. These dates begin on August 31, 2006 and end on November 25, 2006. Under the terms and conditions of the license, Vernon Downs may hold up to twelve races per day.

This approval was granted on the conditions that the fencing of the backstretch area be completed before August 31, and upon complete cooperation of the track, its principals and lenders during staff's financial and suitability review.

The Board also approved the following take out rates:

Win, Place, Show (Regular)	18%
Exacta, Daily Double (Multiple)	20%
Trifecta and other Exotic	25%

No further action was taken on Vernon Downs' license status. Temporary conditional track and simulcast licenses previously approved on June 5, 2006 remain in effect pending further Board action.

The Board found that Vernon Downs had not applied for at least the minimum number of pari-mutuel programs and pari-mutuel races required pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 307.5(a) but determined that the application for the conduct of fewer such programs and races was for good cause due to factors beyond the control of the applicant racing corporation. The Board found that Vernon Downs has not been assigned at least the minimum number of programs and races required to qualify for the tax rates set forth in Racing, Pari-Mutuel Wagering and Breeding Law Section 318.1 but certified that the assignment of the lesser number was for good cause due to factors beyond the control of the applicant racing corporation and that it would be uneconomical or impractical for the applicant to be assigned the prescribed number.

- 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 is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2006.

6. NEVADA GOLD - VERNON DOWNS, INC. – SIMULCAST LICENSE APPLICATION FOR 2006

(See number 5 above.)

7. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST FOR APPROVAL OF TOTALIZATOR SYSTEM

On August 24, 2006, the New York State Racing and Wagering Board approved the totalizator system, utilizing gross pool pricing, to be used by Nevada Gold-Vernon Downs Inc. at Vernon Downs pursuant to Section 313 of the Racing, Pari-Mutuel Wagering and Breeding Law.

8. NEVADA GOLD - VERNON DOWNS, INC. – TRACK LICENSE AMENDMENT – GRAND SLAM WAGER

On August 24, 2006, the NYS Racing and Wagering Board approved the “Grand Slam Wager” to be offered on races six, seven, eight and nine on every live Vernon Downs program. There will be one Grand Slam Wager offered on each live racing program.

9. NEVADA GOLD – TIOGA DOWNS & NEVADA GOLD - VERNON DOWNS, INC. – REQUEST TO IMPLEMENT PLAYER REWARDS PROGRAM

On August 24, 2006, the New York State Racing and Wagering Board approved the Nevada Gold - Tioga Downs Inc. / Nevada Gold - Vernon Downs Inc. request for approval of a joint promotional players rewards program to be known as “The Winners Circle Rewards Program.” This approval was granted conditioned upon:

- The conduct of the program is to be in the manner requested by and outlined in correspondence of Dennis Dougherty dated August 8, 2006.
- The submission by Nevada Gold - Tioga Downs Inc. / Nevada Gold - Vernon Downs Inc. of written reports to the Board concerning the Winners Circle Cash rebate portion of the rewards program. Reports are to be generated reporting the activity of Vernon and Tioga Downs separately and combined. These reports shall include, but need not be limited to the following:
 - The number of participants in the program.
 - Details of the rewards by category level and participation.
 - Details of handle by category level and participation.
 - The cumulative rewards earned.
 - The amount of rewards “rewagered.”
 - The amount wagered by bet type by in-state races and out-of-state races.
 - The handle that generated cash rewards by bet type by in-state races and out-of-state races.
 - The amount wagered on live on-track races.
 - The amount of cash rewards awarded on live on-track races.
 - An analysis regarding the effect on handle the cash rewards program has had.
 - An analysis regarding the effect on net income the cash rewards program has had.

These reports must be filed within two weeks of the end of the first calendar quarter following implementation and on an identical schedule thereafter. Each filed report shall include past quarter and cumulative information.

10. YONKERS RACEWAY – TRACK LICENSE APPLICATION FOR 2006

On August 24, 2006, the New York State Racing and Wagering Board deferred action on Yonkers Raceway's track and simulcast license applications for 2006 pending receipt of information and staff evaluation of following matters:

- Certificate of Occupancy for new facility.
- Local fire inspection reports.
- Final inspection by RWB staff.
- Satisfaction of CAFO requirements .
- Security Guard/Peace Officer approvals/registration.
- A financial plan that demonstrates how Yonkers plans to remain viable through the term of the licensing.

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

Yonkers Raceway will remain operational on the continuing rights of the 2005 track and simulcast license. Such rights are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
 - a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
 - b. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - c. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either Commission or Board with such provisions specifically incorporated into contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.

11. YONKERS RACEWAY – SIMULCAST LICENSE APPLICATION FOR 2006

(See number 10 above.)

12. FINGER LAKES RACETRACK – REQUEST TO WITHDRAW \$14,933.06 FROM CIF

On August 24, 2006, the New York State Racing and Wagering Board approved Finger Lakes Racetrack’s request to withdraw a total of \$14,933.06 from its Capital Improvement Fund for reimbursement of capital improvement expenditures.

This reimbursement request is for the cost of capital improvement purchases and improvements. The \$14,933.06 is approved for the following:

Workstation for IT	\$ 1,456.27
Digital Covert Surveillance System	3,252.80
AED Units	3,744.79
Tile-Terrace Dining Room Serving Area	<u>1,600.00</u>
Total Other	<u>\$ 10,053.86</u>

Backstretch (33%)

DLT Drive for Novell Fileserver	\$ 3,208.93
Oximeters	594.92
Microphone Mixers	<u>1,075.35</u>
Total Backstretch	\$ <u>4,879.20</u>

Total \$ 14,933.06

13. WESTERN REGIONAL OTB/BATAVIA DOWNS - REQUEST TO WITHDRAW \$31,229.38 FROM CIF

On August 24, 2006, the New York State Racing and Wagering Board deferred Batavia Downs' request to withdraw a total of \$31,229.38 from its Capital Improvement Fund for reimbursement of Capital Improvement Expenditures pending review of Batavia Downs' deposit of Capital Improvement Fund monies in a timely manner. Board Rules require that Capital Improvement Fund monies be deposited into the Capital Improvement Fund bank account no later than 30 days after receipt.

14. NOTICE OF ADOPTION – GENERAL MUNICIPAL LAW SECTION 190-a RAFFLE RULE (9 NYCRR 5601.1, 5602.1 & 5624.1)

The NYS Racing and Wagering Board approved the adoption of amendments to 9E NYCRR sections 5601.1, 5602.1 and 5624.1. These amendments conform the Board's Games of Chance regulations with the requirements of General Municipal Law §190-a.

15. NOTICE OF ADOPTION – HORSEMEN'S CONTRACT RULE (9 NYCRR 4003.13 & 4101.8)

The NYS Racing and Wagering Board approved the adoption of amendments to 9E NYCRR sections 4003.13 and 4101.8. These amendments expressly authorize the Board to require a contract between a racetrack and its horsemen's group before the Board issues a pari-mutuel track license or assigns race dates.

16. NOTICE OF ADOPTION – CLAIMING RULE – 9 NYCRR 4038.1 (a), (b) and (c)

The NYS Racing and Wagering Board approved the adoption of amendments to 9E NYCRR sections 4038.1, subdivisions (a), (b) and (c). These amendments will remove claiming restrictions imposed by the current rule, replace obsolete language with language reflecting present day practices, and address circumstances when claims will be voidable.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. 2006 LICENSED SUPPLIERS

List of 2006 licensed suppliers and manufacturers for the period of July 1, 2006 - July 31, 2006.

2. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between July 12, 2006 – August 8, 2006.

3. GAMES OF CHANCE/BELL JAR TICKETS

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between July 1, 2006 – July 31, 2006.

4. LICENSING/CURRENT LICENSE COUNT

The current racing licensing counts as of July 31, 2006 since January 1, 2006 are as follows: total receipts 10, and total licenses 5,101 for the year 2006.

5. INDIAN GAMING - LICENSING STATISTICS

Licensing statistics for the two months of June 1, 2006 through July 31, 2006. Also included are the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.

6. NYRA – NYRA REWARDS FIRST QUARTER RESULTS

NYRA submitted the reports required by the Board concerning the approval of the NYRA Rewards Program. Staff has reviewed and summarized the reports.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

1. On June 28, 2006, the Board approved Capital OTB's request to add the West Coxsackie off-track betting simulcast branch facility located at 12165 Rt. 9W, Unit #5 in Greene County on the condition that the Board receive a copy of their Certificate of Occupancy. To date this document has not been received.

The meeting was adjourned at 11:17 a.m.