

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

A meeting of the New York State Racing and Wagering Board was held on Thursday, February 22, 2007 at 12:00 p.m. at the Racing & Wagering Board's Schenectady Office located at 1 Broadway Center, Suite 600, Schenectady, New York.

The meeting was called to order at 12:05 p.m.

In Attendance Were:

Daniel D. Hogan, Chairman
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

Also in Attendance Were:

Daniel Toomey, NYSR&WB

Norma Soodsma, NYSR&WB

Kristen Buckley, NYSR&WB

Vivian Davis, NYSR&WB

Bill Sekellick, Assistant Counsel

Pat McHugh, Coppola, Ryan, McHugh & Riddell
Skip Carlson, Saratoga Gaming & Raceway

George Penn, Crane Vacco

Donald Groth, Catskill OTB

OPEN COMMENT PERIOD: No comments were made.

A. The Board approved the minutes of the Board meeting held on January 25, 2007.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

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

For entry into the minutes, on January 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 Gulfstream Park Racing Association, Inc. in Florida.

2. For entry into the minutes, on January 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 Oaklawn Jockey Club in Arkansas through April 14, 2007.

3. For entry into the minutes, on January 31, 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 Maryland Jockey Club (Laurel Park) through April 15, 2007 and the New York Racing Association (NYRA) throughout the year 2007.

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

For entry into the minutes, on January 22, 2007, the New York State 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 NJSEA (Meadowlands/Monmouth) in New Jersey during 2007.

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

For entry into the minutes, on January 12, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Rosecroft in Maryland and Windsor Raceway in Ontario, Canada during 2007.

6. For entry into the minutes, on January 22, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Sam Houston Race Park, LTD. in Texas during 2007.

7. For entry into the minutes, on January 22, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Maywood Park Trotting Association, Inc. in Illinois during 2007.

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

For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the NYCOTB request dated January 25, 2007 to amend its simulcast plan of operation and those of the other five New York State off-track betting corporations authorizing the import of the simulcasts of the racing events from Dubai in the United Arab Emirates on specified dates through March 31, 2007, through the auspices of Churchill Downs, Inc. These simulcasts may be imported and utilized for wagering whenever in accordance with the Racing Law.

It was noted that the Board has not approved a plan of operation for the off-track betting corporations' internet wagering as listed in Paragraph Fifth of the addendum to the contract.

9. For entry into the minutes, on January 30, 2007, the NYS Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation's simulcast plan of operation enabling the import of thoroughbred simulcasts from the racetrack known as Beulah Park in Grove City, Ohio through September 15, 2007 only. This approval is effective immediately and can continue when in compliance with the Racing Law through the end of the 2007 Beulah Park Winter-Spring race meeting.
10. For entry into the minutes, on February 1, 2007, the New York State Racing and Wagering Board approved the New York City OTB request dated January 31, 2007, to amend its simulcast plan of operation enabling the import of the simulcast signals and wagering from Penn National Gaming, Inc. d/b/a The Charles Town Races in West Virginia. Simulcasts from The Charles Town Races may be utilized by all six of the New York State regional off-track betting corporations whenever in compliance with the Racing Law.

This approval is effective through March 31, 2007, coinciding with the Charles Town HBPA approval date listed in the contract.

11. NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Tampa Bay Downs, Florida through May 6, 2007
2. Beulah Park, Ohio, for the year 2007.

3. Turfway Park, LLC, Kentucky, for the year 2007
4. My Way Holdings, LLC d/b/a/ Sunland park Racetrack & Casino, New Mexico, for the year 2007.
5. TP Racing LLLP, (Turf Paradise) Arizona, for the year 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 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.

12. For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
 1. Pacific Racing Association-Golden Gate Fields through February 11, 2007.
 2. Maryland Jockey Club-Laurel Park through April 15, 2007.
 3. Oaklawn Jockey Club through April 14, 2007.
 4. Woodbine Entertainment Group-Woodbine for the year 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 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.

13. For entry into the minutes, on January 31, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from Sam Houston Race Park, LTD through 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 NYRA's simulcast license.

There are addenda, which approve internet account wagering by NYRA on these races; however, no internet account wagering is permissible except after written approval by the Board of a system of internet account wagering to be operated by NYRA. 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.

14. For entry into the minutes, on January 31, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) simulcast plan

of operation authorizing the simulcast for wagering purposes of races from Gulfstream Park Racing Association through April 22, 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 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.

- 15.** For entry into the minutes, on January 31, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from Mountainview /Penn National to import Charles Town Race Track through March 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 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.

- 16.** For entry into the minutes, on January 31, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from Philadelphia Park through 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 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.

- 17.** For entry into the minutes, on January 31, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
 1. Los Angeles Turf Club, California through April 22, 2007.
 2. Mountaineer Park, Inc., West Virginia through 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 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.

18. For entry into the minutes, on January 31, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from Churchill Downs Louisiana Horseracing co., LLC d/b/a Fairgrounds Race Course through March 25, 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 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.

19. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:

1. Birmingham Race Course, Alabama
2. Beulah Park, Ohio
3. Churchill Downs, Inc. Simulcast Network (to Arlington Park & Satellites [83]).

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.

- e. No receiving or secondary sites may rebate on NYRA 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.

20. For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:

1. Evangeline Downs, Louisiana (with five [5] secondary sites)
2. Emerald Downs, Washington (with seventeen [17] secondary sites)
3. Dover Downs, Delaware
4. Colonial Downs, LP, Virginia (with ten [10] secondary sites)
5. Canterbury Park, Minnesota.

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
- e. No receiving or secondary sites may rebate on NYRA 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.

21. For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:

1. Harrah's Bossier City Investment Co. LLC (HBCIC), Louisiana
2. Hinsdale Greyhound Park, New Hampshire
3. Hazel Park, Michigan
4. Freehold Raceway, New Jersey
5. Gulfstream Park Racing Assoc., Inc., Florida (with twenty-five [25] secondary sites).

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 22.** For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
1. Philadelphia Park, Pennsylvania (with seven [7] secondary sites)
 2. Thistledown, Inc., Ohio
 3. Turf Paradise, Arizona (with sixty-one [61] secondary sites)
 4. The Texas Hub, Texas (with twenty-four [24] secondary sites)
 5. Suffolk Downs, Massachusetts (with eleven [11] secondary sites).

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 23.** For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
1. Remington Park, Oklahoma (with five [5] secondary sites)
 2. Raceway Park, Ohio
 3. Downs Racing, LP d/b/a Mohegan Sun at Pocono Downs, Pennsylvania (with five [5] secondary sites)
 4. Plainridge Racecourse, Massachusetts
 5. NJSEA-Meadowlands/Monmouth.

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
24. For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
- 1. Los Angeles Turf Club, California (with thirty-five [35] secondary sites)
 - 2. Sam Houston Race Park, Texas (with two [2] secondary sites)
 - 3. Rockingham Park, New Hampshire (with one [1] secondary sites)
 - 4. Rosecroft, Maryland (with five [5] secondary sites)
 - 5. Retama Park Development, Texas.

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. “Manual merge” as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.

- e. No receiving or secondary sites may rebate on NYRA 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.
25. For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
- 1. MEC Lone Star LP, Texas
 - 2. Indiana Downs, Indiana (with two [2] secondary sites)
 - 3. Mountaineer Park, Inc., West Virginia
 - 4. The Meadows, Pennsylvania (with six [6] secondary sites)
 - 5. Mountainview Thoroughbred Racing Assoc., Inc. (Penn National) (with seven [7] secondary sites).

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
- e. No receiving or secondary sites may rebate on NYRA 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.

26. For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:

1. Oaklawn Jockey Club, Arkansas (with one [1] secondary site)
2. Turfway Park, LLC, Kentucky (with nine [9] secondary sites)
3. River Downs Jockey Club, Ohio
4. Delaware Racing Association, Delaware.

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
- e. No receiving or secondary sites may rebate on NYRA 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.

27. For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to the Maryland Jockey Club of Baltimore City, Inc. (with five [5] secondary sites)

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 28.** For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
- 1. Saratoga Harness Racing, Inc., New York
 - 2. Tioga Downs/Vernon Downs, New York
 - 3. Yonkers Raceway, New York
 - 4. Monticello Raceway, New York
 - 5. Buffalo Raceway, New York
 - 6. Finger Lakes Raceway, 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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 29.** For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
- 1. The Downs at Albuquerque, New Mexico
 - 2. Horsemen's Atokad Downs; Nebraska
 - 3. Dairyland Greyhound Park, Wisconsin
 - 4. Belmont Gaming LLC d/b/a the Lodge at Belmont, New Hampshire
 - 5. Choctaw Racing Services, Oklahoma (with fourteen [14] secondary sites)
 - 6. Corpus Christi Greyhound Race Track, Texas
 - 7. Fonner Park, Nebraska
 - 8. Great Lakes Downs, Michigan
 - 9. Harrah's Chester Casino & Racetrack, Pennsylvania
 - 10. Harrington Raceway, Delaware.

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 30.** For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
- 1. Horsemen's Park, Nebraska
 - 2. Jackson Trotting Assoc. LLC, Michigan
 - 3. Lebanon Raceway, Ohio
 - 4. Les Bois Park, Idaho
 - 5. Arapahoe Park, Colorado & Lincoln Park, Rhode Island (with six [6] secondary sites)
 - 6. Azalea City Racing Club, Inc. Alabama
 - 7. Nebraska State Fair Park, Nebraska
 - 8. Northville Downs, Michigan
 - 9. Ocean Downs, LLC, Maryland (with one [1] secondary site)
 - 10. Prairie Meadows, Iowa.

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 31.** For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
- 1. Ruidoso Downs, New Mexico
 - 2. Scarborough Downs, Maine
 - 3. Sports Creek Raceway, Michigan
 - 4. Sunland Park Racetrack & Casino, New Mexico
 - 5. SunRay Gaming of New Mexico, LLC, New Mexico
 - 6. Tri-State Racetrack & Gaming Center, West Virginia
 - 7. Wheeling Island Gaming, West Virginia
 - 8. Wichita Greyhound Park, Kansas
 - 9. The Woodlands, Kansas
 - 10. Wyoming Entertainment, LLC, Wyoming (with four [4] secondary sites).

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
32. For entry into the minutes, on January 30, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
- 1. Zia Park, New Mexico
 - 2. Northville Racing Corp. Michigan
 - 3. Blue Ribbon Downs, Oklahoma (with one [1] secondary site)
 - 4. Dubuque Greyhound Park & Casino; Iowa
 - 5. Eureka Downs, Kansas
 - 6. Mt. Pleasant Meadows, Michigan
 - 7. Northfield Park Associates, Ohio (with one [1] secondary site)
 - 8. Portland Meadows, Oregon (with twelve [12] secondary sites)
 - 9. Scioto Downs, Inc. Ohio
 - 10. Wonderland Greyhound Park, Massachusetts
 - 11. Yavapai Downs, Arizona (with fifty-nine [59] secondary sites)
 - 12. Greentrack, Inc., Alabama.

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 33.** For entry into the minutes, on January 31, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
- 1. New York City OTB, New York
 - 2. Capital Regional OTB, New York
 - 3. Western Regional OTB, New York
 - 4. Nassau Regional OTB, New York
 - 5. Suffolk Regional OTB, New York
 - 6. Catskill Regional OTB, 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 NYRA'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 NYRA's

simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.

- e. No receiving or secondary sites may rebate on NYRA races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- 34.** For entry into the minutes, on January 31, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
- 1. US Off-Track, North Dakota
 - 2. Lien Games, Inc., North Dakota (with eight [8] secondary sites)
 - 3. Columbus Races, Nebraska.

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 35.** For entry into the minutes, on February 1, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
- 1. Arima Race Club, Trinidad, W.I. (with five [5] secondary sites)
 - 2. Caymanas Track, Jamaica, West Indies (with sixty-three [63] Secondary sites).

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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 36.** For entry into the minutes, on February 1, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA request to export its simulcast signal from Aqueduct Racetrack, Belmont Park and Saratoga Race Course to:
1. Hipodromo de Agua Caliente, S.A. de C.V., Caliente (with 151 secondary sites);
and
 2. Hipodromo de Agua Caliente, S.A. de C.V., Panama (with 61 secondary sites).

Approval 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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
37. For entry into the minutes, on February 1, 2007, The New York State Racing and Wagering Board approved the New York Racing Association (NYRA request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes during 2007 to:
- 1. Las Vegas Dissemination Company (five [5] sites), Nevada; and
 - 2. Nevada Pari-Mutuel Association (76 sites), Nevada.

Approval is limited to the guest and secondary sites specified within the LVDC and Nevada Pari-Mutuel Association agreements 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 NYRA'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. Such records must be maintained for a period of at least 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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on NYRA 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.

- 38.** For entry into the minutes, on February 1, 2007, the New York State Racing and Wagering Board approved The New York Racing Association (NYRA) requests to export simulcast signals for wagering purposes from Aqueduct Racetrack, Belmont Park and Saratoga Race Course to eight casinos in Atlantic City as set forth in an Agreement with the Atlantic City Simulcast Committee. Each casino receiving site is a signatory to the Agreement.

Approval is limited to the simulcast of NYRA's races during 2007 to the eight guest sites specified within the Agreement 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 NYRA'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. Such records must be maintained for a period of at least 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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on NYRA 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. "Manual merge" is authorized only if required pursuant to New Jersey statute or regulation, and only to the extent required.

- 38a.** For entry into the minutes, on February 1, 2007, The New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to simulcast thoroughbred racing programs from the racetracks of Belmont Park, Saratoga Race Course and Aqueduct Racetrack for wagering purposes to Autotote Enterprises, Inc. (AEI) (with nine [9] secondary sites).

This approval is for the limited period of February 1 through April 1, 2007 only (subject to further application for extension) to the guest and secondary sites specified within the simulcast agreement 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 NYRA'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. Records must be maintained and made available for two (2) years. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of NYRA's 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 NYRA 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.
 - g. Wagering must stop at the Guest site and all secondary recipients when the starting gate opens at NYRA.
- 39.** For entry into the minutes, on February 2, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA request to export its simulcast signal from at Aqueduct Racetrack, Belmont Park and Saratoga Race Course to XPress Bet, Inc.

Approval is limited to the simulcast of NYRA's races during 2007 to the guest set forth in the simulcast agreement 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 NYRA'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. The provisions of Addendum ¶2 are not in effect.
- 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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. "Manual merge" as set forth in ¶10 (A) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 40.** For entry into the minutes, on February 5, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA request to export its simulcast signal from at Aqueduct Racetrack, Belmont Park and Saratoga Race Course to AmWest Entertainment LLC (South Dakota). There are four (4) secondary recipients.

Approval is limited to the simulcast of NYRA's races during 2007 to the guest set forth in the simulcast agreement 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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 41.** For entry into the minutes, on February 5, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA request to export its simulcast signal from at Aqueduct Racetrack, Belmont Park and Saratoga Race Course to Will Rogers Downs, LLC, Oklahoma.

Approval is limited to the simulcast of NYRA's races during 2007 to the guest set forth in the simulcast agreement 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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 42.** For entry into the minutes, on February 6, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA request to export its simulcast signal from Aqueduct Racetrack, Belmont Park and Saratoga Race Course to Belleville Racetrack Development Corp. (Ontario), Evergreen Park (Alberta), and Hiawatha Horse Park (Ontario).

Approval is limited to the simulcast of NYRA's 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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 43.** For entry into the minutes, on February 6, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) requests to export its simulcast signal from at Aqueduct Racetrack, Belmont Park and Saratoga Race Course to Lewiston Raceway, Inc. (Maine). There are four (4) secondary recipients. Wagers are commingled with NYRA pools.
- Approval is limited to the simulcast of NYRA's races during 2007 to the guest and secondary sites as set forth in the simulcast agreement 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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 44.** For entry into the minutes, on February 6, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA) request to export its simulcast signal from Aqueduct Racetrack, Belmont Park and Saratoga Race Course to MEC Sports & Entertainment in Austria. There are five (5) secondary recipients and numerous associated OTBs, as well as an account wagering system. Wagers are commingled with NYRA pools.

Approval is limited to the simulcast of NYRA's races during 2007 to the guest and secondary sites set forth in the simulcast agreement 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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" as set forth in ¶10 (D) is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on NYRA 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.
- 45.** For entry into the minutes, on February 7, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA request to export its simulcast signal from Aqueduct Racetrack, Belmont Park and Saratoga Race Course to Stevenson & Associates (Florida).

Approval is limited to the simulcast of NYRA's races during 2007 to the guest and secondary sites set forth in the simulcast agreement 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 NYRA'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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on NYRA races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. No assignment of any rights to or pursuant to the agreement between NYRA and Stevenson & Associates shall be effective without the prior written approval of the Board.
- 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 2005 and 2006 for other simulcasts to Canadian sites.

- 45a.** For entry into the minutes, on February 8, 2007, the New York State Racing and Wagering Board approved the New York Racing Association (NYRA request to export its simulcast signal from Aqueduct Racetrack, Belmont Park and Saratoga Race Course to America Tab (Oregon).

Approval is limited to the simulcast of NYRA's races during 2007 to the sites as set forth in the simulcast agreement 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 NYRA'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 Board has the authority to audit the books and records of all out-of-state receiving and secondary sites. Records must be maintained for at least two (2) years following the date of simulcasts. 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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- c. No receiving or secondary sites may rebate on NYRA races unless disclosed within the terms of the agreement as submitted to the Board for approval.

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

46. SARATOGA GAMING AND RACEWAY – REQUEST TO AMEND PLAN OF OPERATION – CHANGE OF FIRST RACE POST TIME

For entry into the minutes, on February 1, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway plan of operation changing the initial race post-time of 7:20 p.m. to 7:00 p.m. for all nighttime racing programs.

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

For entry into the minutes, on January 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 Tampa Bay Downs in Florida through May 6, 2007.

48. SARATOGA GAMING AND RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007

For entry into the minutes, on January 31, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Harness Racing, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races to Sunland Park Racetrack & Casino in New Mexico. This approval is conditioned upon the completion of the simulcast questionnaire.

All contracts are conditioned upon the terms of the 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.

49. SUFFOLK REGIONAL OTB – REQUEST FOR PROMOTION –HANDICAPPING CONTEST AT THE RACING FORUM

For entry into the minutes, on January 22, 2007, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation request to conduct a live handicapping contest at the Racing Forum on the one date of March 24, 2007, in accordance with the application and conditions presented.

50. SUFFOLK REGIONAL OTB – CLOSING OF E-Z BET FACILITY - HUNTINGTON

For entry into the minutes, on January 24, 2007, the New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation plan of operation to reflect the closing of the E-Z Bet of facility the Jennings Gate Restaurant, Inc. d/b/a Finley's of Greene Street.

51. SUFFOLK REGIONAL OTB – CLOSING OF E-Z BET FACILITY - SMITHTOWN

For entry into the minutes, on January 24, 2007, the New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation plan of operation to reflect the closing of the E-Z Bet facility the Rock Eatery, Inc. d/b/a Buchman's Radio Grill.

52. SUFFOLK REGIONAL OTB – REQUEST TO OFFER PROMOTION ON ST. PATRICK'S DAY AT FOUR QWIK-BETS

For entry into the minutes, on January 31, 2007, the Board approved the Suffolk Regional Off-Track Betting Corporation's request to conduct a voucher promotion at its four Quik-Bets – Cavanaugh's, Napper Tandy's, St. James Tavern and the Sit n' Sip Inn on the date of Saturday, March 17, 2007 only in accordance with the terms of the promotion submitted for approval.

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

For entry into the minutes, on January 10, 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 NJSEA (Meadowlands/Monmouth) in New Jersey and Oaklawn Jockey Club, Inc. in Arkansas during 2007.

- 54.** For entry into the minutes, on January 25, 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 from the Maryland Jockey Club racetrack of Laurel Park through April 15, 2007 only.

A new application must be submitted and approved for simulcasting after April 15, 2007.

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

For entry into the minutes, on January 10, 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 NJSEA

(Meadowlands/Monmouth) in New Jersey, Oaklawn Jockey Club, Inc. in Arkansas and Sam Houston Race Park LTD in Texas during 2007.

56. For entry into the minutes, on January 25, 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 from the Maryland Jockey Club racetrack of Laurel Park through April 15, 2007 only.

A new application must be submitted and approved for simulcasting after April 15, 2007.

57. WESTERN REGIONAL OTB – REQUEST FOR PERMISSION TO CONDUCT HANDICAPPING CONTEST

For entry into the minutes, on January 30, 2007, the Board approved the Western Regional OTB/Batavia Downs request to offer a harness handicapping contest at various branches from February 21, through March 21, 2007 in accordance with the submitted rules.

58. YONKERS RACEWAY – REQUEST FOR PERMISSION TO CHANGE DRAW TIME

For entry into the minutes, pursuant to Board Rule 4111.5, on January 10, 2007, the New York State Racing and Wagering Board approved the Yonkers Raceway request to amend its “draw time” to 4:00 p.m. except for Tuesdays. On Tuesdays, the draw time will remain at 9:00 a.m., and on all other days the draw time will be 4:00 p.m. The closing time for scratches and driver changes for a given future program will be 10:00 p.m. every day except Tuesday when the time will be 10:00 a.m.

This approval is granted only for a thirty-day trial period to be measured from the date of the first 4:00 p.m. draw, subject to further application by Yonkers Raceway.

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

For entry into the minutes, on January 11, 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 Gulfstream Park Racing Association, Inc. in Florida during 2007.

60. For entry into the minutes, on January 22, 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 Oaklawn Jockey Club in Arkansas through April 14, 2007.

61. For entry into the minutes, on January 22, 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 Buffalo Raceway in New York during 2007.

62. KENTUCKY DERBY/OAKS FUTURE WAGERS - VARIOUS LOCATIONS IN 2007

For entry into the minutes, on February 7, 2007, the New York State Racing and Wagering Board approved the New York City Off-Track Betting Corporation request, both on its own behalf and as agent for Capital District Regional Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation, Nassau Regional Off-Track Betting Corporation, Suffolk Regional Off-Track Betting Corporation, and Western Regional Off-Track Betting Corporation, authorizing participation in the three Kentucky Oaks and Kentucky Derby future pools on the year 2007 Kentucky Oaks to be run on May 4, and the Kentucky Derby to be run on May 5, at Churchill Downs.

The fact that “there will be no cancellations or refunds” even if the horse listed in the future pool does not compete in the Kentucky Oaks on May 4 or the Kentucky Derby on May 5 (per Kentucky rules) should be stressed to customers before they wager.

New York City Off-Track Betting Corporation, and as an agent for the other five New York State off-track betting corporations, must make every effort to ensure that its customers have clear instructions available, either verbally from pari-mutuel clerks or written near all self-betting machines concerning how to differentiate between “Oaks Future” bets and “Derby Future” bets. These approvals are effective immediately.

63. For entry into the minutes, on February 7, 2007, the New York State Racing and Wagering Board approved the Tioga Downs request authorizing participation in the three Kentucky Oaks and Kentucky Derby future pools on the year 2007 Kentucky Oaks to be run on May 4, and the Kentucky Derby to be run on May 5, at Churchill Downs.

The fact that “there will be no cancellations or refunds” even if the horse listed in the future pool does not compete in the Kentucky Oaks on May 4 or the Kentucky Derby on May 5 (per Kentucky rules) should be stressed to customers before they wager.

Tioga Downs must make every effort to ensure that its customers have clear instructions available, either verbally from pari-mutuel clerks or written near all self-betting machines concerning how to differentiate between “Oaks Future” bets and “Derby Future” bets. These approvals are effective immediately.

64. For entry into the minutes, on February 7, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request authorizing participation in the three Kentucky Oaks and Kentucky Derby future pools on the year 2007 Kentucky Oaks to be run on May 4, and the Kentucky Derby to be run on May 5, at Churchill Downs.

The fact that “there will be no cancellations or refunds” even if the horse listed in the future pool does not compete in the Kentucky Oaks on May 4 or the Kentucky Derby on May 5 (per Kentucky rules) should be stressed to customers before they wager.

Vernon Downs must make every effort to ensure that its customers have clear instructions available, either verbally from pari-mutuel clerks or written near all self-betting machines concerning how to differentiate between “Oaks Future” bets and “Derby Future” bets. These approvals are effective immediately.

- 65.** For entry into the minutes, on February 7, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request authorizing participation in the three Kentucky Oaks and Kentucky Derby future pools on the year 2007 Kentucky Oaks to be run on May 4, and the Kentucky Derby to be run on May 5, at Churchill Downs.

The fact that “there will be no cancellations or refunds” even if the horse listed in the future pool does not compete in the Kentucky Oaks on May 4 or the Kentucky Derby on May 5 (per Kentucky rules) should be stressed to customers before they wager.

Finger Lakes Racetrack must make every effort to ensure that its customers have clear instructions available, either verbally from pari-mutuel clerks or written near all self-betting machines concerning how to differentiate between “Oaks Future” bets and “Derby Future” bets. These approvals are effective immediately.

- 66.** For entry into the minutes, on February 7, 2007, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request authorizing participation in the three Kentucky Oaks and Kentucky Derby future pools on the year 2007 Kentucky Oaks to be run on May 4, and the Kentucky Derby to be run on May 5, at Churchill Downs.

The fact that “there will be no cancellations or refunds” even if the horse listed in the future pool does not compete in the Kentucky Oaks on May 4 or the Kentucky Derby on May 5 (per Kentucky rules) should be stressed to customers before they wager.

Saratoga Harness Racing, Inc. must make every effort to ensure that its customers have clear instructions available, either verbally from pari-mutuel clerks or written near all self-betting machines concerning how to differentiate between “Oaks Future” bets and “Derby Future” bets. These approvals are effective immediately.

- 67.** For entry into the minutes, on February 7, 2007, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request authorizing participation in the three Kentucky Oaks and Kentucky Derby future pools on the year 2007 Kentucky Oaks to be run on May 4, and the Kentucky Derby to be run on May 5, at Churchill Downs.

The fact that “there will be no cancellations or refunds” even if the horse listed in the future pool does not compete in the Kentucky Oaks on May 4 or the Kentucky Derby on May 5 (per Kentucky rules) should be stressed to customers before they wager.

The New York Racing Association, Inc. must make every effort to ensure that its customers have clear instructions available, either verbally from pari-mutuel clerks or written near all self-betting machines concerning how to differentiate between “Oaks Future” bets and “Derby Future” bets. These approvals are effective immediately.

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

1. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR EXTENSION OF CASH REWARD PROGRAM QUARTERLY REPORTS

For entry into the minutes, on January 22, 2006, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation request for an extension of time to file the required quarterly reports regarding the Capital Cash Rewards Program until January 26, 2007.

2. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR EXTENSION OF CASH REWARD PROGRAM QUARTERLY REPORT

For entry into the minutes, on February 2, 2007, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation request for an extension of time to file the required quarterly reports regarding the Capital Cash Rewards Program until February 2, 2007.

3. SARATOGA GAMING AND RACEWAY – REQUEST FOR PERMIT

For entry into the minutes, on January 30, 2007, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 322, the New York State Racing and Wagering Board approved the request by Saratoga Gaming and Raceway for construction as described in a January 24, 2007 letter and the New York State Office of General Services construction permit dated January 23, 2007 for Project No. S1860.

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

4. YONKERS RACEWAY - REQUEST FOR APPROVAL OF YONKERS PEACE OFFICERS

For entry into the minutes, on February 6, 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 forty-nine (49) individuals approved are:

Atkinson, Dennis
Augustin, Clint
Aviles, Abraham
Barros, Richard
Benjamin, Neville
Berman, Gerald
Bragg, Patience
Brown, Michael
Carretta, Joseph
Charles, Pierre
Chavis, Marquise
Cohen, Steven
Crockett, Charles
Danclar, Kenyatta
DeJesus, Richard
DeMaio, Mary
Dematteo, Michael
Diaz, Richard
Durant, Thomas
Fortuniewicz, John
Fraternale, Matthew
Golden, Jeremy
Gray, Christopher
Griffiths, Desmond
Horn, Christopher
Jackson, Steven
Jackson, Terry Sr.
Jerry, Christine
Keitt, Lintonia
LaBella, Carol
McShaw, Lillian
Mickle, Loretta
Mujica, Damian
Nixon, Robert
Ortiz, Anthony
Paiusco, Joseph
Parris, Trevor
Ramrattan, Ramesh
Rella, Kenneth
Ritti, Sam
Robinson, Norris

Rochelle, Craig

Rodriguez, Anthony
Sanchez, Fernando
Sanchez, Raymond
Soto, Marie
Valentin, Kenneth
Vasquez, Paul
Wilkes, Barry

The Board deferred action on Devin Smith 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.

5. CAPITAL DISTRICT REGIONAL OTB - REQUEST TO AMEND E-Z BET - GHENT

For entry into the minutes, on February 9, 2007, the New York State Racing & Wagering Board approved an amendment to the plan of operation of Capital District Regional Off-Track Betting Corporation to reflect the change of ownership for the premises known as Meadowgreens Restaurant, Inc. in Ghent, NY; at which an E-Z Bet simulcast facility is located. This approval is effective immediately.

The Board's approval to operate an E-Z Bet facility at this location shall expire in the event of any change in ownership or operation without corresponding prior written approval of the Board.

6. CAPITAL DISTRICT REGIONAL OTB - REQUEST TO AMEND E-Z BET - JOHNSTOWN

For entry into the minutes, on February 9, 2007, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Capital District Regional Off-Track Betting Corporation to reflect the change of ownership for the premises known as Partner's Pub in Johnstown, NY, at which an E-Z Bet simulcast facility is located. This approval is effective immediately.

The Board's approval to operate an E-Z Bet facility at this location shall expire in the event of any change in ownership or operation without corresponding prior written approval of the Board.

7. CAPITAL DISTRICT REGIONAL OTB - REQUEST TO AMEND E-Z BET - COHOES

For entry into the minutes, on February 9, 2007, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Capital District Regional Off-Track Betting Corporation to reflect the change of ownership for the

premises known as Maggie's Pub in Cohoes, NY, at which an E-Z Bet simulcast facility is located. This approval is effective immediately.

The Board's approval to operate an E-Z Bet facility at this location shall expire in the event of any change in ownership or operation without corresponding prior written approval of the Board.

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 the 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 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, 2007.

2. SARATOGA GAMING & RACEWAY – TRACK & SIMULCAST LICENSE APPLICATIONS FOR 2007

The Board granted the Saratoga Gaming and Raceway track and simulcast licenses for 2007.

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 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, 2007.
- f. No receiving or secondary sites may rebate on the Saratoga Gaming and Raceway races unless disclosed within the terms of the agreement as submitted to the Board for approval [and Saratoga Gaming and Raceway shall not rebate on simulcasts received without the written consent of the host site.](#)

The Board assigned the remainder of the 170 racing programs requested for 2007.

Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 318 (5), the Board authorized certification to the New York State Department of Taxation and Finance that the Saratoga Gaming and 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).

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

The Board deferred action on the Yonkers Raceway track and simulcast license applications for 2007 pending further review by Board staff. The Board assigned the racing programs requested by Yonkers Raceway for March 2007 ONLY.

The Board will consider further action at its next scheduled Board meeting.

Yonkers Raceway may remain operational on the basis of continuing rights. Such rights are conditioned upon the following:

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

4. CATSKILL REGIONAL OTB – SIMULCAST LICENSE APPLICATION FOR 2007

On February 22, 2007, the New York State Racing and Wagering Board granted the Catskill Regional Off-Track Betting Corporation's simulcast license for 2007.

The 2007 simulcast license is 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. 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, 2007.
 - b. **Catskill Regional Off-Track Betting Corporation shall not rebate on wagers placed without the written consent of the host site.**

Catskill Regional Off-Track Betting Corporation was reminded that the Board's September 22, 2006 amendment of the Catskill Regional Off-Track Betting Corporation's plan of operation which requires the simulcast of Tioga Downs' races, under certain conditions (Board Decision and Order of September 22, 2006), remains in effect, and is equally applicable to simulcasting conducted in 2007.

5. SUFFOLK REGIONAL OTB – SIMULCAST LICENSE APPLICATION FOR 2007

The Board granted the Suffolk Regional Off-Track Betting Corporation's simulcast license for 2007.

The 2007 simulcast license is 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. 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, 2007.
 - b. [Suffolk Regional Off-Track Betting Corporation shall not rebate on wagers placed without the written consent of the host site.](#)

6. FINGER LAKES RACETRACK – TRACK AND SIMULCAST LICENSE APPLICATIONS FOR 2007

The Board granted the Finger Lakes Racetrack track and simulcast licenses for 2007.

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 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, 2007.
- f. No receiving or secondary sites may rebate on the Finger Lakes Racetrack races unless disclosed within the terms of the agreement as submitted to the Board for approval [and Finger Lakes Racetrack shall not rebate on simulcasts received without the written consent of the host site.](#)

The Board assigned the 160 racing programs requested on the dates specified and at the post times requested.

Pursuant to Racing, Pari-Mutual Wagering and Breeding Law Section 228(3), the Board authorized certification to the New York State Department of Taxation and Finance that Finger Lakes Racetrack 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 228(1).

7. 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.

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 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, 2007.
 - c. [New York City Off-Track Betting Corporation shall not rebate on wagers placed without the written consent of the host site.](#)

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

The Board deferred the Finger Lakes Racetrack request to withdraw a total of \$119,073.15 from its Capital Improvement Fund for reimbursement of capital improvement expenditures 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.

9. THE JOCKEY CLUB – REQUEST TO APPOINT STEWARDS FOR 2007

The Board approved The Jockey Club request to appoint the following Stewards to represent The Jockey Club during 2007: Dr. Theodore Hill at tracks operated by the New York Racing Association, Inc., and Donald Combs at the Finger Lakes Racetrack. This approval is in compliance with Board Rules 4005.1, 4022.3 and 4023.1.

10. VERONICA MERTON

The Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of driver/trainer/groom Veronica Merton be revoked based upon a finding that she violated NYCRR Section 4119.11(b), and that her participation in racing would be inconsistent with the public interest, convenience and necessity or with the best interests of racing generally.

11. MICHAEL BURTON

The Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of harness general services applicant Michael Burton be upheld on the basis that his experience, character and general fitness are such that his participation in harness racing would be inconsistent with the public interest, convenience and necessity or with the best interests of racing.

12. MARK BUTTON, JR.

The Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of groom Mark Button, Jr. be revoked based upon violation of Board Rule 4042.5(a), his failure to participate satisfactorily in a drug treatment program, and the finding that his participation in racing would be inconsistent with the public interest, convenience and necessity or with the best interests of racing generally.

13. FERNANDO MOJICA

The Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of food service worker Fernando Mojica be revoked on the basis that he has been convicted of a crime, and that his participation in racing would be inconsistent with the public interest, convenience and necessity or with the best interests of racing generally.

14. SUFFOLK REGIONAL OTB – REQUEST TO ADD NEW E-Z BET – BABYLON, NY

The Board approved an amendment to the Suffolk Regional Off-Track Betting plan of operation to authorize operation of the Brylam Pub d/b/a Twisted Shamrock in Babylon, New York under new ownership as a simulcast facility for **one year only** from the date of the Board's approval.

The Board's approval to operate an E-Z Bet facility at this location shall expire and be of no force and effect in the event of any change in ownership or operation without the prior written approval of the Board. Suffolk Regional Off-Track Betting

Corporation must reapply in a timely manner to continue operations at this facility after February 22, 2008.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between January 10, 2007 – February 6, 2007.

2. GAMES OF CHANCE/BELL JAR TICKETS

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between January 1, 2007 – January 31, 2007.

3. LICENSING/CURRENT LICENSE COUNT

The current racing licensing counts as of January 31, 2007 since January 1, 2007 are as follows: total receipts 1,256 and total licenses 255 for the year 2006.

4. 2007 LICENSED SUPPLIERS

List of licensed suppliers and manufacturers for the time period of January 1, 2007 through January 31, 2007.

5. INDIAN GAMING - LICENSING STATISTICS

Licensing statistics for January 1, 2007 through January 31, 2007. Also included are the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.

6. YONKERS RACEWAY – INFORMATION RELATIVE TO PEACE OFFICERS

Federal fingerprint history reports on 26 individuals conditionally approved by the Board to serve as special policemen for Yonkers Raceway have been received and no derogatory information was revealed.

7. NYRA – “NYRA REWARDS” LAST QUARTER OF 2006 RESULTS

Submission of NYRA’s last quarterly report of 2006 in compliance with Board requirements.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

Meeting adjourned at 1:07 p.m.