

**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF FEBRUARY 25, 2004**

A meeting of the New York State Racing and Wagering Board was held on Wednesday, February 25, 2004 at 11:30 a.m. at the Racing & Wagering Board's Albany Office located at 1 Watervliet Avenue Extension, Albany, New York.

The meeting was called to order at 11:35 a.m.

**In Attendance Were:**

Michael J. Hoblock, Jr., Chairman

Cheryl Buley, Member

Edward Martin, Executive Director

Erin Dahlmeyer, Secretary to the Board

Robert Feuerstein, General Counsel

Thomas Casaregola, Director of Audits & Investigations

Joseph Lynch, Chief of Racing Operations

**Also in Attendance Were:**

Dianne Landor, NYSR&WB

Stacy Clifford, NYSR&WB

Francesca Pizzimenti, NYSR&WB

Bill Crowell, Hinman Straub

**OPEN COMMENT PERIOD: None.**

**A.** The Board approved the minutes of the Board meetings held on January 13, 2004 and January 30, 2004.

**B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.**

## **1. NYRA REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004**

For entry into the minutes, on January 14, 2004, approval was granted for the request by NYRA to amend its simulcast plan of operation by an addendum to a contract with the Woodbine Entertainment Group (WEG). This approved addendum provides for the addition of simulcast sites within the Province of Ontario and wagering into the Canadian Common Pool including:

- Fort Erie Racetrack □ 230 Catherine Street, Fort Erie, Ontario
- Longshots OTB & Sportsbar □ 5535 Kalar Road, Niagara Falls, Ontario
- Longshots OTB & Sportsbar □ 106 Lakeport Road, St Catharines, Ontario
- Longshots OTB & Sportsbar □ 3 Lake Street East, Grimsby, Ontario
- Longshots OTB - 346 King Street, Welland, Ontario

This approval is effective immediately.

## **2. SARATOGA HARNESS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004**

For entry into the minutes, on January 14, 2004, approval was granted for the request by Saratoga Harness to amend its simulcast plan of operation enabling the import of simulcast signals from the thoroughbred racetrack of The Maryland Jockey Club known as Laurel Park through March 2, 2004.

The federally required letter of approval issued by the Maryland Commission only grants authority for simulcasting through March 2, 2004. To continue with the Pimlico and Laurel Park simulcasts after March 2<sup>nd</sup>, new federal letters of permission must be filed with the Board.

Also approved is the year 2004 export of the Saratoga Raceway simulcast signal to the State of Connecticut through the auspices of Autotote Enterprises, Inc.

\* For entry into the minutes, on January 22, 2004, approval was granted for the request by Saratoga Harness, received January 20, 2004, to amend its simulcast plan of operation enabling the import of simulcasts from Golden Gate Fields in California through April 4, 2004.

To continue with the Golden Gate Fields simulcast past April 4, 2004, new approval letters from the California commission and horsemen must be filed with the Board.

Also approved are the agreements with Oaklawn Park in Arkansas and simulcast imports from Sunland Park in New Mexico through their 2004 racing season. All simulcasts may be utilized whenever in accordance with the Racing Law.

\* For entry into the minutes, on January 22, 2004, approval was granted for the request by Saratoga Harness, received October 16, 2003, to amend its simulcast plan of operation enabling the import of simulcasts from Sam Houston Park in Texas to conclude on April 10<sup>th</sup>.

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

\* For entry into the minutes, on January 30, 2004, approval was granted for the request by Saratoga Raceway to amend its simulcast plan of operation enabling the import of simulcasts from Moutaineer Park in Western Virginia throughout the year 2004 racing season. Also requested is the import of simulcasts from the Ohio harness track known as Scioto Downs during its upcoming 2004 season that begins on May 6<sup>th</sup> and continues through September 8<sup>th</sup>.

\* For entry into the minutes, on February 11, 2004, approval was granted for the request by Saratoga Harness to amend its simulcast plan of operation enabling the import of thoroughbred simulcast signals from the racetrack known as Delta Downs in Louisiana during its 2004 race meeting.

Also approved are the imports from Freehold Raceway in New Jersey and the in-state harness track known as Buffalo Raceway. An agreement enabling the export of Saratoga Harness simulcasts to Freehold Raceway in the contiguous state of New Jersey was also approved.

\* For entry into the minutes, on February 13, 2004, approval was granted for the request by Saratoga Harness to amend its simulcast plan of operation enabling participation in the three Kentucky Oaks and the three Kentucky Derby future pools on the year 2004 Kentucky Oaks to be contested on April 30<sup>th</sup> and the Kentucky Derby to be contested on May 1<sup>st</sup> 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 April 30<sup>th</sup> or the Kentucky Derby on May 1<sup>st</sup> (per Kentucky rules) should be stressed to customers before they wager.

Also, sporadic problems occurred in 2003 whereby customers became confused in keeping their wagers separate on the Oaks and the Derby. Saratoga Harness management must make every effort to ensure that its customers have clear instructions available, either verbally from pari-mutuel clerks or written with clear instructions listed near all self-betting machines relative to how to differentiate between "Oaks Future" bets and "Derby Future" bets.

Also approved is the agreement between Saratoga Harness and Dover Downs, a harness racetrack in Delaware, enabling Saratoga Harness to receive Dover Downs simulcasts throughout the year 2004. These approvals are effective immediately.

### **3. VERNON DOWNS REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004**

For entry into the minutes, on January 14, 2004, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from the thoroughbred racetrack known as Moutaineer Park located in Chester, West Virginia.

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

\* For entry into the minutes, on January 22, 2004, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling the import of simulcasts from Flamboro Downs in Ontario during all of 2004.

\* For entry into the minutes, on February 13, 2004, approval was granted for the request by Vernon Downs to amend its simulcast plan of operation enabling participation in the three Kentucky Oaks and Kentucky Derby future pools on the year 2004 Kentucky Oaks to be contested on April 30<sup>th</sup> and the Kentucky Derby to be contested on May 1<sup>st</sup> 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 April 30<sup>th</sup> or the Kentucky Derby on May 1<sup>st</sup> (per Kentucky rules) should be stressed to customers before they wager.

Also, sporadic problems occurred in 2003 whereby customers became confused in keeping their wagers separate on the Oaks and the Derby. Vernon Downs must make every effort to ensure that its customers have clear instructions available, either verbally from pari-mutuel clerks or written with clear instructions listed near all self-betting machines relative to how to differentiate between "Oaks Future" bets and "Derby Future" bets.

These approvals are effective immediately.

#### **4. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004**

For entry into the minutes, on January 14, 2004, approval was granted for the request by Nassau OTB to amend its simulcast plan of operation enabling the import of simulcasts from Sunland Park in New Mexico.

This approval extends to the New York State Regional OTB's including Capital, Catskill, Suffolk and Western.

\* For entry into the minutes, on January 15, 2004, approval was granted for the request by Nassau OTB to amend its simulcast plan of operation enabling the import of harness racing programs from Dover Downs in Delaware during its 2004 racing season.

This simulcast may be imported and wagering conducted whenever in accordance with the Racing Law. This approval extends to Suffolk Regional OTB as well.

\* For entry into the minutes, on February 3, 2004, approval was granted for the request by Nassau OTB to amend its simulcast plan of operation enabling the import of simulcasts from Pocono Downs in Pennsylvania and the Woodbine Entertainment racetracks of Mohawk Raceway and Woodbine, both located within the Province of Ontario, Canada and whenever permitted by the Racing Law.

\* For entry into the minutes, on February 4, 2004, approval was granted for the request by Nassau OTB request to amend its simulcast plan of operation enabling the import of simulcast signals from Pompano Park in Florida through December 31, 2004.

This approval further extends to Suffolk Regional OTB.

\* For entry into the minutes, on February 13, 2004, approval was granted for the request by Nassau OTB to amend its simulcast plan of operation enabling the import of simulcasts from the year 2004 harness race meetings conducted at Freehold Raceway in New Jersey and Maywood Park in Illinois. Also approved is the agreement with Lone Star Park, a thoroughbred racetrack located in Grand Prairie, Texas.

These approvals further extend to Suffolk Regional OTB and all simulcasts may be utilized whenever in compliance with the Racing Law.

#### **5. NYRA REQUEST TO AMEND PLAN OF OPERATION - RACING DATES**

For entry into the minutes, on January 15, 2004, approval was granted for the request by NYRA for an additional racing date for the year 2004.

The approved additional date is Wednesday, January 21<sup>st</sup>, a previously scheduled "dark day".

#### **6. BUFFALO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004**

For entry into the minutes, on January 16, 2004, approval was granted for the request by Buffalo Raceway to amend its simulcast plan of operation enabling the import of thoroughbred simulcasts from Gulfstream Park and Tampa Bay Downs in Florida.

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

\* For entry into the minutes, on February 13, 2004, approval was granted for the request by Buffalo Raceway to amend its simulcast plan of operation allowing the import of simulcast signals from the Meadowlands and Monmouth Park in New Jersey during there 2004 racing seasons.

This approval is effective immediately and all simulcasts may be utilized whenever in compliance with the Racing Law.

#### **7. MONTICELLO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004**

For entry into the minutes, on January 16, 2004, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcasts from Oaklawn Park in Arkansas.

This approval is valid through the end of the Oaklawn Park 2004 race meeting scheduled to conclude on April 10<sup>th</sup>.

\* For entry into the minutes, on January 30, 2004, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcasts from the in-state harness racetrack known as Buffalo Raceway for the year 2004.

\* For entry into the minutes, on February 13, 2004, approval was granted for the request by Monticello Raceway to amend its plan of operation enabling the export of simulcast signals to the contiguous State of New Jersey and to Atlantic City Casino Association.

Included among the approved casinos are the Bally's Atlantic City Casino; Resorts Casino Hotel; Trump Taj Mahal Casino Resorts; Caesar's Atlantic City Hotel Casino; The Borgata Hotel, Casino and Spa; Sands Hotel Casino; Showboat Hotel Casino; Tropicana Casino & Entertainment Resort and the Trump Marina Hotel Casino. This approval is effective immediately.

#### **8. MONTICELLO RACEWAY REQUEST FOR ADDITIONAL RACE DATES - FEBRUARY**

For entry into the minutes, on January 16, 2004, approval was granted for the request by Monticello Raceway to amend its racing license by adding four (4) Thursdays in the month of February to its current 2004 live racing schedule.

The four approved Thursdays include February 5<sup>th</sup>, 12<sup>th</sup>, 19<sup>th</sup> and the 26<sup>th</sup> .

#### **9. YONKERS RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004**

For entry into the minutes, on January 22, 2004, approval was granted for the request by Yonkers Raceway to amend its simulcast plan of operation enabling the import of simulcasts from Rosecroft Raceway in Maryland during the year 2004. This simulcast signal may be utilized whenever in accordance with the Racing Law.

Also approved is the new agreement enabling Monticello Raceway to receive the Yonkers Raceway simulcasts for the year 2004.

\* For entry into the minutes, on February 3, 2004, approval was granted for the request by Yonkers Raceway to amend its simulcast plan of operation with the approval to export the Yonkers Raceway simulcast signals to the contiguous State of New Jersey and to nine casinos.

Included among the approved casinos are the Bally's Atlantic City Casino; Resorts Casino Hotel; Trump Taj Mahal Casino Resorts; Caesars Atlantic City Hotel Casino; The Borgata Hotel, Casino and Spa; Sands Hotel Casino; Showboat Hotel Casino; Tropicana Casino & Entertainment Resort and the Trump Marina Hotel Casino. This approval is effective immediately.

\* For entry into the minutes, on February 13, 2004, approval was granted for the request by Yonkers Raceway to amend its simulcast plan of operation enabling the import of simulcast signals from Buffalo Raceway.

Also approved are the exports of the Yonkers Raceway simulcasts to Saratoga Harness, located in-state, and to Suffolk Downs, a thoroughbred track located in a contiguous state, Massachusetts.

Contracts for the export of the Yonkers Raceway simulcasts acknowledged "as received" are those with Lewiston in Maine, Pompano Park in Florida, Hinsdale Greyhound Park in New Hampshire, and River Downs in Ohio. The Board's policy, adopted in 1998, continues to be that all import contracts must be filed as well as all export agreements with other in-state, contiguous state or new entities. Export contract renewals other than in-state, contiguous state or brand new are not required to be filed with the Board. However, the Board must be sent, on a monthly basis, a listing as to where the Yonkers Raceway simulcast signals are being sent during the upcoming months.

#### **10. CAPITAL OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2004**

For entry into the minutes, on January 22, 2004, approval was granted for the request by Capital District Regional OTB, dated December 29, 2003, to amend its simulcast plan of operation enabling the import of simulcasts from Mountaineer Park in West Virginia throughout the year 2004 racing season. Also approved is the import of simulcasts from the harness track known as Scioto Downs in Ohio during the upcoming 2004 season, which begins on May 6<sup>th</sup> and continues through September 8<sup>th</sup>.

These approvals further extend to Catskill Regional OTB, as well as Nassau, Suffolk and Western Regional OTB. These simulcasts may be imported and utilized for wagering whenever in accordance with the Racing Law.

\* For entry into the minutes, on January 29, 2004, approval was granted for the request by Capital District Regional OTB, dated January 28, 2004, to amend its simulcast plan of operation enabling the importation of the simulcasts of the racing events from Dubai and the United Arab Emirates through the auspices of the Fair Grounds International Ventures, LLC.

This approval further extends to the regional off-track betting corporations of Catskill, Nassau, Suffolk and Western. These simulcasts may be imported and utilized for wagering whenever in accordance with the Racing Law.

\* For entry into the minutes, on February 13, 2004, approval was granted for the request by Capital District Regional OTB to amend its simulcast plan of operation enabling participation in the three Kentucky Oaks and Kentucky Derby future pools on the year 2004 Kentucky Oaks to be contested on April 30<sup>th</sup> and the Kentucky Derby to be contested on May 1<sup>st</sup> 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 April 30<sup>th</sup> or the Kentucky Derby on May 1<sup>st</sup> (per Kentucky rules) should be stressed to the customers before they wager.

Also, sporadic problems occurred in 2003 whereby customers became confused in keeping their wagers separate on the Oaks and the Derby. Capital

District Regional OTB must make every effort to ensure that its customers have clear instructions available, either verbally from pari-mutuel clerks or written with clear instructions listed near all self-betting machines relative to how to differentiate between "Oaks Future" bets and "Derby Future" bets.

These approvals are effective immediately.

**11. SUFFOLK OTB REQUEST TO OFFER PROMOTION □ SUPER BOWL**

For entry into the minutes, on January 26, 2004, approval was granted for the request by Suffolk Regional OTB to include a coupon redeemable for a two dollar (\$2) wager on Super Bowl Sunday, February 1, 2004.

This coupon is among the gifts awarded the 206 winners of a local radio station promotion.

**12. WESTERN OTB REQUEST TO APPOINT NEW BOARD OF DIRECTOR □ WINTER**

For entry into the minutes, on January 26, 2004, approval was granted for the appointment of Mr. Richard P. Winter to the Western Regional Off-Track Betting Corporation's Board of Directors. Mr. Winter will be representing the County of Niagara on the Western OTB Board.

This approval is conditioned upon the receipt of a satisfactory return of Mr. Winter's federal print report.

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

For entry into the minutes, on February 3, 2004, approval was granted for the request by New York City OTB, dated February 3, 2004, to amend its simulcast plan of operation enabling the importation of the simulcasts of the racing events from Dubai in the United Arab Emirates through the auspices of the Fair Grounds International Ventures, LLC. These simulcasts may be imported and utilized for wagering whenever in accordance with the Racing Law.

**14. NYRA STEWARD REQUEST FOR EXTENSION OF APPRENTICE JOCKEY ALLOWANCE □ PEREZ**

For entry into the minutes, on February 4, 2004, approval was granted for the request for an extension of the qualified apprentice year of jockey Edwin R. Perez for an additional seven (7) days.

Mr. Perez's date of record for the expiration of his apprenticeship allowance is now February 22, 2004.

**15. CAPITAL OTB REQUEST TO OFFER HANDICAPPING CONTEST**

For entry into the minutes, on February 4, 2004, approval was granted for the request by Capital District Regional Off-Track Betting Corporation to conduct a harness handicapping contest and award prizes to the winners at the Albany

Teletheater on Friday, March 12 and Saturday March 13, 2004 per the submitted rules.

**16. SUFFOLK OTB REQUEST TO OFFER PROMOTION  FARMINGDALE**

For entry into the minutes, on February 4, 2004, approval was granted for the request by Suffolk Regional Off-Track Betting Corporation to conduct a promotion at its Farmingdale-Route 110 branch on Saturday, February 28<sup>th</sup>, 2004, per the submitted rules.

Suffolk OTB is not charging any fee whatsoever to enter either promotion. At the Farmingdale branch there will be three drawn winners after each race (races two through eight) each receiving a five-dollar (\$5.00) wager redeemable on a later Aqueduct Race Track race that same afternoon. This promotion is to be conducted under the rules as submitted to the Board.

**17. NYRA REQUEST TO OFFER MYSTERY VOUCHERS IN 2004**

For entry into the minutes, on February 4, 2004, approval was granted for the request by NYRA, dated January 14, 2004, to issue the number of mystery vouchers in the denominations as submitted and per the agreed NYS Racing & Wagering Board-NYRA guidelines, for a promotion valid on Wood Memorial Day, April 10, 2004 only. Further approval from the Board is required to conduct any other voucher promotions after April 10<sup>th</sup> on dates designated in the original application.

These mystery vouchers would be redeemable only on the date as printed on the face of the voucher and only at Aqueduct Race Track. It is understood that a patron with a mystery voucher may be escorted to and from designated windows to redeem that voucher and may do so without paying admission or parking fees.

As with all previous voucher distributions, the Board reserves the right to audit results of this voucher promotion.

**18. MONTICELLO RACEWAY REQUEST TO AMEND RACING SCHEDULE**

For entry into the minutes, on February 10, 2004, approval was granted for the request by Monticello Raceway to amend its racing license by adding live racing programs on all four Thursdays in the month of March during 2004.

A further amendment to cancel six consecutively scheduled Saturdays beginning on February 21<sup>st</sup> and continuing through March 27<sup>th</sup> was also approved.

**19. NYRA REQUEST TO OFFER PROMOTION - SHOWDOWN**

For entry into the minutes, on February 11, 2004, approval was granted for the request to conduct the Spring 2004 Aqueduct Race Track "Sudden Death" Internet handicapping contest throughout the 2004 Spring Aqueduct Race Track meeting.

The contest will begin Wednesday, March 10<sup>th</sup> and conclude on Sunday, May 2<sup>nd</sup> with the condition of a ten dollar (\$10) entry fee per contestant and all paid entry fees returned to the winners as outlined in the submitted rules.

## **20. CAPITAL OTB REQUEST TO OFFER PROMOTIONS**

For entry into the minutes, on February 11, 2004, approval was granted for the request by the Capital District Regional OTB to conduct fan appreciation days at the Albany Teletheater on President's Day, February 16<sup>th</sup> and at the Latham Branch on Sunday, February 22<sup>nd</sup>.

The contests are to be conducted and prizes awarded to the winners at the Albany Teletheater and Latham Branch per the submitted rules.

## **21. NYRA STEWARD REQUEST FOR EXTENSION OF APPRENTICE JOCKEY ALLOWANCE - PEREZ**

For entry into the minutes, on February 20, 2004, approval was granted for the request for an extension of the qualified apprentice year of Jockey Edwin R. Perez for an additional fifty (50) days.

Mr. Perez's date of record for the expiration of his apprenticeship allowance is now Monday, April 12, 2004. (Also see item #14)

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

### **1. EMERGENCY RULEMAKING & CONSENSUS RULE PROPOSAL TO IMPLEMENT RECIPROCAL OCCUPATIONAL LICENSING OF VIDEO LOTTERY GAMING EMPLOYEES**

For entry into the minutes, on January 23, 2004, the Board approved amendments to the Board's existing Rules 4002.1 (thoroughbred) and 4101.24 (harness) to provide a mechanism for the Board to deem an individual to be licensed by the Board as a video lottery gaming employee upon notification from Lottery that the individual will be issued a license by Lottery as a video lottery gaming employee. The Lottery has implemented regulations with license standards that should effect at least as strict a licensing regimen as used by this Board. This reciprocity is limited to those who work exclusively in the employ of the video lottery gaming operation. There is a limited expansion of this approach to authorize the reciprocal arrangement for food and beverage service workers who do not work in the backstretch or other non-public areas of the racetrack. There will be no fee required for the reciprocal license.

The rules will become effective upon filing with the Department of State and would remain in effect for ninety (90) days.

### **2. SARATOGA HARNESS TRACK & SIMULCAST LICENSE APPLICATIONS FOR 2004**

For entry into the minutes, on January 26, 2004, the Board approved the Saratoga Harness track and simulcast license applications for 2004. The Board assigned the 132 programs requested on the specified dates.

The 2004 track and simulcast licenses are conditioned upon compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and regulations, and the requirements set forth in the track and simulcast license applications.

### **3. MONTICELLO RACEWAY - EMPIRE REPORTS, INC. REQUEST FOR SECTION 303 WAIVER**

For entry into the minutes, on January 29, 2004, the Board approved the request of Empire Resorts, Inc. for a waiver of compliance with subdivisions 1, 2 and 3 of Section 303 of the Racing, Pari-Mutuel Wagering and Breeding Law with respect to the issuance of common stock of the company in the Offering described in a letter dated January 28, 2004.

This approval is conditioned upon the prompt disclosure to the Board of the names of the institutional investors as well as their directors and officers, provision of an affidavit of morality for any individual investor who may own three percent or more of the common stock, and notification of any changes in ownership by these institutional investors. The waiver is further conditioned upon timely compliance by Empire Resorts, Inc. and its agents with Board requests for information concerning stock holdings and ownership.

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

### **1. IN THE MATTER OF LOYAL PRATT**

The Board approved Hearing Officer Baller's recommended findings as modified by the addition of the finding that "Loyal Pratt testified that Henry Westbrook III's horse broke, scattering the field and that Henry Westbrook III was running into Brian Cross before Loyal Pratt cleared over.

### **2. DESIGNATION OF EMPLOYEE TO ADMINISTER OATHS AND ISSUE SUBPOENAS**

Pursuant to Section 101(9) of the Racing, Pari-Mutuel Wagering and Breeding Law, the Board designated Erin E. Dahlmeyer, Secretary to the Board, to have the power to administer oaths, examine witnesses and issue subpoenas to compel attendance and for the production of documents.

### **3. BATAVIA DOWNS REQUEST TO WITHDRAW FROM CIF - \$42,070.76**

The Board approved Batavia Downs  request to withdraw a total of \$42,070.76 from its Capital Improvement Fund for reimbursement of capital expenditures.

The Board noted that none of the submitted items were contained in the 2003 Capital Improvement Budget. As such, the Board granted approval

conditioned upon receipt of a written explanation as to why Batavia deviated from the original budget.

**Backstretch (100%)**

Five water heaters for barns \$ 855.00

Baseboard heaters, thermostats, etc. 6,786.59

For Barn #9 - 48 #3v748-3 Fluorescent lamps 493.44

Items to re-plumb Barn #3 310.55

20 DMW-1-32 GEB-stsl fixtures 1,554.20

Labor and material to re-roof Barn #9 9,784.00

Electrical supplies for Barns #9 and 9A 1,787.28

Materials to re-roof Barn #9 8,358.47

Plumbing Supplies needed for Barns#1,5,7,9 1,508.46

Replace heaters in Barns 9,827.00

Plumbing Supplies for Barns 805.77

**Total \$42,070.76**

**4. FINGER LAKES REQUEST TO WITHDRAW FROM CIF - \$41,027.43**

The Board approved the request by Finger Lakes Race Track to withdraw a total of \$41,027.43 from its Capital Improvement Fund for reimbursement of Capital Improvement Expenditures.

**Other (27%)**

Utility Vehicle - Horticulture \$ 6,461.82

Lawn Tractor-Horticulture 4,535.61

Total Other \$10,997.43

**Backstretch (73%)**

Roll Off Container Covers \$30,030.00

Total Backstretch \$30,030.00

**Total Approved \$41,027.43**

**5. MONTICELLO RACEWAY REQUEST TO WITHDRAW FROM CIF - \$22,372.18**

The Board approved withdrawal of \$21,283.59 of the request by Monticello Raceway to withdraw \$22,372.18 from its Capital Improvement Fund for reimbursement of 2003 Advertising and Promotional Expenditures.

This was the maximum amount allowable for reimbursement of advertising and promotional expenditures based upon Monticello's regular and multiple handle for 2003.

**Advertising and Promotional Expenditures**

**Amount**

Fireworks from 2003 \$ 5,000.00

Print Advertising 8,687.17

Radio Advertising 7,596.42

**Total Approved \$21,283.59**

**6. YONKERS RACEWAY TRACK LICENSE APPLICATION FOR 2004**

The Board deferred action on the Yonkers Raceway track and simulcast license applications for 2004 pending receipt of a valid contract with the Standardbred Owners Association, Inc. The Board assigned the racing programs, including Thursdays, for the month of March 2004 as originally requested in the track license application.

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

**7. YONKERS RACEWAY SIMULCAST LICENSE APPLICATION FOR 2004**

See Board item number 6 above.

**8. NEW YORK CITY OTB REQUEST TO AMEND PLAN OF OPERATION □ PALM SUNDAY**

The Board denied the request by New York City OTB to amend its simulcast plan of operation to authorize the conduct of pari-mutuel wagering on Palm Sunday, April 4, 2004. The Board denied the application based upon a lack of authority to approve the activity due to the existing language of Racing, Pari-Mutuel Wagering and Breeding Law Section 105.

**E. ITEMS FOR BOARD INFORMATION/DISCUSSION**

**1. GAMES OF CHANCE ☐ BINGO REGISTRATION NUMBERS ☐ JANUARY ☐**

02/04-14-E

**List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between January 2, 2004 ☐ February 13, 2004.**

**2. GAMES OF CHANCE ☐ BELL JAR TICKETS ☐ JANUARY ☐ 02/04-23-E**

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

**January 2, 2004 ☐ February 13, 2004.**

**3. GAMES OF CHANCE LICENSED BINGO & GAMES OF CHANCE SUPPLIERS ☐ JANUARY ☐ 02/04-13-E**

**List of manufacturers/suppliers licensed by the Charitable Gaming Unit, between January 2, 2004 ☐ February 13, 2004.**

**4. INDIAN GAMING - LICENSING STATISTICS FOR JANUARY 2004 ☐**

02/04-05-E

**Licensing statistics for January 1, 2004 through January 31, 2004. Also included are the certifications for Turning Stone, Akwesasne and Seneca Niagara.**

**5. LICENSING ☐ CURRENT RACING LICENSING COUNT AS OF FEBRUARY 2004 - 01/04-05-E**

**The current racing licensing counts as of February 18, 2004 are as follows: total receipts 1465 and total licenses 804.**

**6. CAPITAL OTB ☐ SURCHARGE FOR PHONE ACCOUNT WAGERS ☐ 02/04-06-E**

**Pursuant to Section 1012(2)(a) of the Racing Law, as revised in May of 2003, Capital OTB will suspend the collection of surcharges imposed on winning wagers placed in telephone accounts on the five Mondays in March of 2004.**

**The Board announced that it would conduct a meeting at 2:00 p.m. on Friday, February 22, 2004 concerning Vernon Downs and any other business to come before the Board.**

**The meeting was adjourned at 12:08 p.m.**