

**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF NOVEMBER 29, 2007**

A meeting of the New York State Racing and Wagering Board was held on Thursday, November 29, 2007 at 11:00 a.m. at the Racing & Wagering Board's Schenectady Office located at 1 Broadway Center, Suite 600, Schenectady, New York.

The meeting was called to order at 11:03 a.m.

In Attendance Were:

Daniel D. Hogan, Chairman
John B. Simoni, Member
John G. Cansdale, Executive Director
Robert Feuerstein, General Counsel
Joseph Lynch, Director of Racing Operations
James Kellogg, Audits and 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
William Sekellick, NYSR&WB
Carin M. Cardinale, Towne, Bartkowski & Defio Kean, PC
Bob Conners, Daily Gazette
Dan Wray, NYC OTB
Thomas Spring, Capital OTB

OPEN COMMENT PERIOD: None.

A. The Board approved the minutes of the Board meeting held on October 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 October 19, 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 Keeneland Association Inc., Kentucky through October 27, 2007.

2. For entry into the minutes, on October 19, 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 Dover Downs, Inc., Delaware for the remainder of 2007.

3. For entry into the minutes, on October 23, 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 NJSEA, and in particular, the Breeders' Cup World Championship to be conducted at Monmouth Park on October 26, 2007 and October 27, 2007.

4. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER ULTRA PICK SIX PROMOTION**

For entry into the minutes, on October 11, 2007, the NYS Racing and Wagering Board approved an application by the Capital District Regional Off-Track Corporation to conduct a promotion providing for payment of Pick-Six winnings to registered patrons based on wagers placed by Steve Crist on the Breeders' Cup on Saturday, October 27, 2007. Mr. Crist will have a five thousand dollar (\$5,000.00) bankroll available for Pick-Six betting on Saturday, October 27, 2007.

This promotion must be conducted in accordance with the terms of the application submitted and is subject to audit by the Board.

5. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER PROMOTIONS/CONTESTS FOR MONTH OF NOVEMBER 2007**

For entry into the minutes, on October 30, 2007, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct various promotions during the month of November 2007. These promotions consist of Fan Appreciation Days on November 3, 9, 11, 17, 21, 23 and 30 at various branches, an On-line Giant Jackpot Contest on November 2, 16 and 30 for all Capital Bets account holders, and a Fall Challenge handicapping contest on November 24 and 25 in the Capital Room of the Albany Teletheater.

Employees of the Capital District Regional Off-Track Betting Corporation, and its vendors are ineligible to participate. These promotions are subject to audit by the Board.

6. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on October 25, 2007, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from TP Racing L.L.L.P. d.b.a. Turf Paradise, Arizona for the remainder of 2007.
7. **FINGER LAKES RACETRACK – REQUEST TO CHANGE POST-TIME ON SATURDAY, OCTOBER 27, 2007 TO 11:45AM**
For entry into the minutes, on October 11, 2007, the NYS Racing and Wagering Board approved the Finger Lakes Racetrack request to change the post-time for the initial race on Saturday, October 27, 2007 to 11:45 a.m
8. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on October 23, 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 Thistledown, Ohio for the remainder of 2007.
9. For entry into the minutes, on October 30, 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 Churchill Downs, Kentucky for the remainder of 2007.
10. For entry into the minutes, on October 30, 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 Calder Race Course, Florida for the remainder of 2007.
11. For entry into the minutes, on November 8, 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 Hollywood Park, California through December 22, 2007.
12. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on October 11, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Dover Downs, Inc., in Delaware for the remainder of 2007.

13. For entry into the minutes, on October 23, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel, Louisiana for the remainder of 2007.
14. For entry into the minutes, on October 23, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Churchill Downs, Kentucky through November 24, 2007.
15. For entry into the minutes, on October 30, 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 Calder Race Course, Florida for the remainder of 2007.
16. For entry into the minutes, on November 8, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Hollywood Park, California through December 22, 2007.
17. **MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on October 23, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2007 to:
 1. Choctaw Racing Services (with nine [9] secondary sites), Oklahoma
 2. Hazel Park, Michigan
 3. Suffolk Downs (with two [2] secondary sites), Massachusetts.
18. For entry into the minutes, on October 30, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2007 to:
 1. Harrington Raceway Inc., Delaware
 2. Sam Houston Race Park, (with two [2] secondary sites), Texas
 3. Youbet.com, Inc., California.
19. For entry into the minutes, on November 1, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2007 to U.S. Off-Track LLC, Oregon.
20. For entry into the minutes, on November 8, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast

its standardbred racing programs for wagering purposes for the remainder of 2007 to Southland Park Gaming & Racing, Arkansas.

21. **NEW YORK CITY OTB – REQUEST TO RELOCATE BRANCH#1023 FROM 202 WEST 72ND STREET TO 143 WEST 72ND STREET**

For entry into the minutes, on October 12, 2007, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation's simulcast plan of operation to reflect the closure of the branch formerly located at 202 West 72nd Street and authorize the operation of the relocated simulcast branch at 143 West 72nd Street in the Borough of Manhattan, City of New York.

This approval is conditioned on the issuance of any necessary municipal permits prior to the opening of the branch, including but not limited to the certificate of occupancy. Such permit(s) must be filed with the Board promptly after receipt.

22. **NEW YORK CITY OTB – REQUEST TO ESTABLISH TEMPORARY TENT SIMULCAST BRANCH ON MILITARY ISLAND IN TIMES SQUARE**

For entry into the minutes, on October 17, 2007, the NYS Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation's plan of operation authorizing the establishment and operation of a temporary simulcast branch on October 26 and 27, 2007 on Military Island in Times Square, Manhattan, New York in accordance with the application submitted to the Board and all applicable laws and rules. This approval is conditioned upon the issuance of a permit for the tent and the submission of the permit to the Board when received.

23. **NEW YORK CITY OTB – REQUEST TO CONDUCT MARKETING PROMOTIONS FOR BREEDERS' CUP**

For entry into the minutes, on October 19, 2007, the NYS Racing and Wagering Board approved the conduct of a voucher promotion in conjunction with the Breeder's Cup World Championship Races on October 26 and 27, 2007. This promotion involves the distribution of up to four thousand two-dollar vouchers and up to one thousand five-dollar vouchers at the major transportation hubs of New York City (all in Manhattan) by the New York City Off-Track Betting Corporation.

This approval is conditioned on compliance with the terms of the promotion as specified in the application submitted to the Board and the submission of a report by New York City Off-Track Betting Corporation no later than November 14, 2007 that contains the following:

1. # of promotional vouchers produced
2. # of promotional vouchers distributed
3. # of promotional vouchers actually cashed
4. # of promotional vouchers retired by AmTote from the system at the end of the day on Saturday, October 27, 2007.

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

For entry into the minutes, on October 12, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York

State off-track betting corporation authorizing the simulcast for wagering purposes of races from Northlands Park, Alberta, Canada for the remainder of 2007.

25. For entry into the minutes, on October 12, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Portland Meadows, Oregon for the remainder of 2007.
26. For entry into the minutes, on October 17, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from NJSEA, and in particular, the Breeder's Cup World Championships to be conducted at Monmouth Park on October 26, 2007 and October 27, 2007.
27. For entry into the minutes, on October 23, 2007, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Delta Downs, Louisiana for the remainder of 2007.
28. For entry into the minutes, on October 23, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Calder Race Course, Florida for the remainder of 2007.
29. For entry into the minutes, on November 8, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Dover Downs, Delaware for the remainder of 2007.
30. For entry into the minutes, on November 8, 2007, the New York State Racing and Wagering Board approved an amendment to the simulcast plan of operation of the New York City Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Beulah Park, Ohio for the remainder of 2007.
31. For entry into the minutes, on November 8, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Churchill Downs, Kentucky for the remainder of 2007.
32. For entry into the minutes, on November 8, 2007, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Turf Paradise, Arizona for the remainder of 2007.
33. **NYRA – REQUEST FOR APPROVAL OF ADDITIONAL RACING OFFICIALS FOR 2007-KELLY/ALMEIDA**
For entry into the minutes, on October 19, 2007, pursuant to Board Rule 4005.1, the New York State Racing and Wagering Board approved the New York Racing Association request to appoint a new racing official, Dr. Yessenia Almeida, as an

Examining Veterinarian and to upgrade a previously approved official, Timothy Kelly, to an Alternate Steward.

34. **NYRA – REQUEST FOR APPROVAL OF RACING OFFICIALS FOR THE YEAR 2007**

For entry into the minutes, on October 19, 2007, pursuant to Board Rule 4005.1, the New York State Racing and Wagering Board approved the New York Racing Association request to appoint the following racing officials:

1. Dr. Judson Butler as Examining Veterinarian
2. Janet Reid, Horse Identifier
3. Anthony Jaccino, Assistant Horse Identifier.

In addition to the approvals, the Board removed James Zito, Gary Handfield and Richard Brosseau from the roster of racing officials.

35. **NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on October 17, 2007, the New York State Racing and Wagering Board approved an amendment to The New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Calder Race Course, Florida for the remainder of 2007.

36. For entry into the minutes, on October 24, 2007, the New York State Racing and Wagering Board approved an amendment to The New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from the following tracks for the remainder of 2007 unless otherwise limited:

1. Churchill Downs, Kentucky through November 24, 2007
2. Boyd Racing L.L.C. d/b/a Delta Downs Racetrack & Casino, Louisiana.

37. See below-out of order.

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

1. Hollywood Park, California through December 22, 2007
2. Golden Gate Fields, California through December 22, 2007.

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

For entry into the minutes, on October 30, 2007, the New York State Racing and Wagering Board approved The New York Racing Association's request to extend the simulcast of its thoroughbred racing programs to Hollywood Park, California through December 22, 2007.

39. For entry into the minutes, on October 11, 2007, the New York State Racing and Wagering Board approved The New York Racing Association's request to simulcast its thoroughbred racing programs during the remainder of 2007 to Leona's Restaurant,

which is an additional secondary site associated with the previously approved simulcasts to Arlington Park, Illinois.

40. For entry into the minutes, on October 19, 2007, the New York State Racing and Wagering Board approved The New York Racing Association's request to simulcast its thoroughbred racing programs during the remainder of 2007 to Stretch Run, which is an additional secondary site associated with the previously approved simulcasts to Hawthorne Race Course, Illinois.
41. For entry into the minutes, on October 30, 2007, the New York State Racing and Wagering Board approved The New York Racing Association's request to simulcast its thoroughbred racing programs during the remainder of 2007 to Oneida Indian Casino Racebook, Wisconsin which is an additional secondary site associated with the previously approved simulcasts to AEI/Connecticut OTB.
42. For entry into the minutes, on October 30, 2007, the New York State Racing and Wagering Board approved The New York Racing Association's request to extend the simulcast of its thoroughbred racing programs to Hollywood Park, California through December 22, 2007.
43. **SARATOGA GAMING AND RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on October 11, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Dover Downs, Inc., Delaware for the remainder of 2007.
44. For entry into the minutes, on October 23, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Churchill Downs, Kentucky through November 24, 2007.
45. For entry into the minutes, on October 25, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Sam Houston Race Park, Texas for the remainder of 2007.
46. For entry into the minutes, on October 30, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from My Way Holdings, LLC d.b.a. Sunland Park Racetrack & Casino, New Mexico for the remainder of 2007.
47. For entry into the minutes, on November 8, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel, Louisiana for the remainder of 2007.

48. For entry into the minutes, on November 8, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
 1. Hollywood Park, California through December 22, 2007
 2. Golden Gate Fields, California through December 22, 2007.

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

For entry into the minutes, on October 11, 2007, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2007 to Am West Entertainment (with four [4] secondary sites), South Dakota.

50. **TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on October 11, 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 Dover Downs, Inc., Delaware for the remainder of 2007.

51. For entry into the minutes, on October 19, 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 Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel, Louisiana for the remainder of 2007.

52. For entry into the minutes, on October 23, 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 Kawartha Downs, Ontario, Canada for the remainder of 2007.

53. For entry into the minutes, on October 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 of races from Churchill Downs, Kentucky through November 24, 2007.

54. **VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on October 11, 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 Dover Downs, Inc., Delaware for the remainder of 2007.

55. For entry into the minutes, on October 19, 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 Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel, Louisiana for the remainder of 2007.
56. For entry into the minutes, on October 23, 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 Kawartha Downs, Ontario, Canada for the remainder of 2007.
57. For entry into the minutes, on October 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 of races from Churchill Downs, Kentucky through November 24, 2007.
58. **VERNON DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on October 19, 2007, the New York State Racing and Wagering Board approved Vernon Downs’ request to simulcast its standardbred racing programs during the remainder of 2007 to Favorites at Woodbridge, which is an additional secondary site associated with the previously approved simulcasts to NJSEA, New Jersey.
59. **WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO AMEND WAGERING FORMAT TO ADD SUPERFECTA WAGERING**
For entry into the minutes, on October 17, 2007, the NYS Racing and Wagering Board approved the Western Regional OTB/Batavia Downs request to offer two additional superfectas for a total of four per racing program for the remainder of the 2007 racing season. The Batavia Raceway superfectas will now be offered on races three, five, eight and eleven (last) each racing program.
60. **WESTERN REGIONAL OFF-TRACK BETTING REQUEST FOR PROMOTION - CARING FOR KIDS**
For entry into the minutes, on October 30, 2007, the New York State Racing and Wagering Board approved the Western Regional OTB/Batavia Downs request to conduct a promotion entitled “Caring for Kids” from November 10 through December 1, 2007.

This promotion must be conducted in accordance with the terms of the proposal submitted. It is understood that tickets for the drawing will be available to donors of toys as well as non-donors.

61. **INTENTIONALLY LEFT BLANK**
62. **YONKERS RACEWAY REQUEST TO CANCEL NOVEMBER 22 AND CHANGE POST TIME ON DECEMBER 31 TO 5:00 PM**
For entry into the minutes, on November 8, 2007, the NYS Racing and Wagering Board approved the Yonkers Raceway request to cancel live racing on Thanksgiving Day, November 22, 2007. In addition, the Board approved the requested change of the first post time for the New Year's Eve races to 5:00 p.m.
63. **YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**
For entry into the minutes, on October 23, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from:
1. Ocean Downs, Maryland
 2. Balmoral Park, Illinois
 3. Maywood Park, Illinois.
64. For entry into the minutes, on October 23, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from:
1. Northfield Park, Ohio
 2. Evergreen Park, Alberta, Canada
 3. Attractions Hippiques Tracks (Hippodrome de Montreal, Hippodrome de Trois Rivieres, Hippodrome de Quebec and Hippodrome de Almer), Quebec, Canada.
65. For entry into the minutes, on October 23, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from NJSEA (Meadowland/Monmouth), and in particular the Breeders' Cup World Championship, to be conducted at Monmouth Park on October 26, 2007 and October 27, 2007.

66. For entry into the minutes, on October 23, 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 Kawartha Downs, Ontario, Canada for the remainder of 2007.
67. For entry into the minutes, on October 30, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the acceptance of wagering via the Internet and other electronic media and communications devices specifically approved by the Board from:
 1. Delaware Racing Association, Delaware
 2. Finger Lakes Gaming & Racetrack, New York
 3. Freehold Raceway, New Jersey
 4. Hazel Park, Michigan
 5. Saratoga Harness, New York.
68. For entry into the minutes, on October 30, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the acceptance of wagering via the Internet and other electronic media and communications devices specifically approved by the Board from:
 1. Buffalo Raceway, New York
 2. Colonial Downs, Virginia
 3. Mohegan Sun at Pocono Downs, Pennsylvania
 4. Harrington Raceway, Delaware
 5. Plainridge Racecourse, Massachusetts
 6. Pompano Park, Florida
 7. Rockingham Park, New Hampshire
 8. Grand River Raceway, Ontario, Canada.
69. For entry into the minutes, on October 30, 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 Dover Downs, Inc., Delaware for the remainder of 2007.
70. For entry into the minutes, on November 1, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from:
 1. Raceway Park, Ohio
 2. Indiana Downs, Indiana.
71. For entry into the minutes, on November 8, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from:

1. Hawthorne Race Course, Illinois
 2. Georgian Downs, Ontario, Canada
 3. Suffolk Downs, Massachusetts
 4. Penn National/Charles Town, Pennsylvania and West Virginia
 5. Oak Tree Racing @ Santa Anita, California.
72. For entry into the minutes, on November 8, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from:
1. Philadelphia Park, Pennsylvania
 2. Kawartha Downs, Ontario, Canada.
73. **YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007**
 For entry into the minutes, on October 19, 2007, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its standardbred racing programs for wagering purposes for the remainder of 2007 to:
1. Delaware Racing Association, Delaware
 2. Indiana Downs, Indiana.

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

1. **EMERGENCY RULEMAKING – INTERNET AND ACCOUNT WAGERING – 9 NYCRR 5300**
 For entry into the minutes, on October 19, 2007, the New York State Racing and Wagering Board adopted as an emergency rulemaking the new Subchapter C, Part 5300 of 9 NYCRR for internet and telephone account wagering systems used in connection with licensed pari-mutuel wagering activities in New York State.
2. **YONKERS RACEWAY – REQUEST FOR APPROVAL OF PEACE OFFICERS**
 For entry into the minutes, on October 24, 2007, pursuant to Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board granted Yonkers Racing Corporation’s request to approve the appointment of 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.

This approval is 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 nine (9) individuals approved are:

Glover, Khalil
Guzman, Carmen
Holloway, Ricky
Lee, Catherine
Persaud, Janus
Rivera, Jorge
Thompson, Jeannie
Bell, Shamel
Macias, Jason.

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

3. **NEW YORK CITY OTB – REQUEST FOR APPROVAL OF INTERFACE AGREEMENT WITH UNITED TOTE CO.**

For entry into the minutes, on November 2, 2007, the New York State Racing and Wagering Board approved an agreement between New York City Off-Track Betting Corporation and United Tote Company for interface service to be provided by United Tote for the New York City Off-Track Betting Corporation at all of the tracks, including the three NYRA tracks at which United Tote is the on-track totalizator services provider.

It is a condition of this approval that New York City Off-Track Betting Corporation files a copy of their Board of Directors' approval with the Board within five business days of approval.

4. **IN THE MATTER OF BRIAN MILLS**

For entry into the minutes, on October 29, 2007, the New York Racing & Wagering Board immediately suspended the license of harness racing groom Brian Mills pending the disposition by the Board of a positive human drug test. This action was based upon the results of a scheduled hearing.

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

1. **NEW YORK CITY OTB – SIMULCAST LICENSE APPLICATION FOR 2007**

The New York State Racing and Wagering 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 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:

- Submission to the Board of fire inspection reports on an ongoing basis.

2. **NASSAU REGIONAL OTB – REQUEST FOR APPROVAL OF NEW FAST TRACK – LONG BEACH, NY**

The New York State Racing and Wagering Board deferred the request for an amendment to the Nassau Regional OTB plan of operation action on to authorize the operation of a “Fast Track” simulcast facility at the Minnesota Pub LB Inc. d/b/a Minnesota’s located at 959 Beech Street in Long Beach, New York 11561 in Nassau.

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

3. **NYRA – REQUEST TO AMEND INTERNET & ACCOUNT WAGERING PLAN OF OPERATION**

The New York State Racing and Wagering Board approved The New York Racing Association Inc.’s request to amend its Internet and Account Wagering Plan of Operation to provide the processing of withdrawals through the telephone account wagering operation for via Interactive Voice Response. This approval is granted subject to the same conditions of the Board’s April 26, 2007 approval to conduct Internet and Account Wagering.

4. **SARATOGA HARNESS RACING, INC. – REQUEST FOR APPROVAL OF CERTIFICATE OF INCORPORATION**

The New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request for indorsement of an amendment to its certificate of incorporation in order to broaden the corporate purposes clause by adding a new subdivision h to subparagraph 2 to read:

“to engage in any lawful act or activity for which corporations may be organized under the Business Corporation Law of this State. It is not formed to engage in any act or activity requiring the consent or approval of any state official, department, board, agency or other body without such consent or approval first being obtained.”

The Board rescinded its August 18, 2007 indorsement of a similar amendment to the corporate purposes clause.

5. **NASSAU REGIONAL OTB – REQUEST TO AMEND PLAN OF OPERATION – EMPLOYEE FINGERPRINTING**

The New York State Racing and Wagering Board approved an amendment to the plan of operation of the Nassau Regional Off-Track Betting Corporation to limit the ongoing requirement for a fingerprint-based criminal history report to the following categories of individuals:

1. Directors
2. Corporate officers
3. Peace Officers.

The Nassau Regional Off-Track Betting Corporation was reminded of the continuing obligation pursuant to Board Rule 5207.1 to perform a background investigation of each prospective employee, director or officer prior to his/her employment, appointment or retention.

6. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO APPOINT NEW PRESIDENT – JOHN SIGNOR

The NYS Racing and Wagering Board approved an amendment to the Capital District Off-Track Betting Corporation’s plan of operation to reflect the appointment of John Signor to the position of President of the Capital District Regional Off-Track Betting Corporation effective January 1, 2008. This approval is subject to the satisfactory review of a federal fingerprint-based criminal history report.

7. FINGER LAKES RACETRACK – REQUEST TO WITHDRAW \$73,990.77 FROM CIF

The New York State Racing and Wagering Board approved the Finger Lakes Racetrack October 30, 2007 request to withdraw a total of \$73,990.77 from its Capital Improvement Fund for reimbursement of the following expenditures:

Other (71%)

Re-glaze Clubhouse windows	\$ 9,990.00
Squawk boxes for the Steward	1,253.55
Epoxy Rest Room Floors	14,772.54
Complex System for Towers	14,110.00
Public Restroom Upgrades	<u>12,489.68</u>
Total Other	\$ 52,615.77

Backstretch (29%)

Re-roof Barn 12A North Side	<u>\$ 21,375.00</u>
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Total Recommended for Approval	<u>\$ 73,990.77</u>
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This approval is conditioned upon the satisfactory results of a forthcoming inspection of the items submitted for approval.

8. MOTION TO REOPEN – PAUL NOWER (MO 332-06)

The New York State Racing and Wagering Board denied the motion of Paul S. Nower to reopen the Board’s April 26, 2007 Finding’s and Orders. The Denial was found upon failure to satisfy the requirement of Board Rules 5402.10.

9. IN THE MATTER OF MICHAEL A. RASHKIN

The New York State Racing and Wagering Board adopted Hearing Officer Russell H. Baller, Jr.’s finding and recommendation to affirm violation, suspension and fine

based upon a TCO2 level in excess of the permissible level in the pre-race blood of the horse JIMMY CRACK COHEN, which raced in 7th race at Buffalo Raceway on April 8, 2006.

10. **NASSAU REGIONAL OTB – REQUEST FOR APPROVAL OF NEW FAST TRACK – SEAFORD, NY**

On November 29, 2007, the New York State Racing and Wagering Board approved an amendment to the Nassau Regional Off-Track Betting Corporation plan of operation to authorize the operation of a “Fast Track” simulcast facility at the 3928 Merrick Bar, Inc. d/b/a Runyon’s located at 3928 Merrick Road in Seaford, New York in Nassau County.

It is a condition of this approval that the wagering and simulcasting at this facility will be conducted in accordance with the terms of the operating agreement presented to the Board as well as all applicable statutes and Board rules, and that all wagering will be conducted through self-service terminals only.

The Board's approval to operate a “Fast Track” 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.

It is expected that Nassau Regional OTB will arrange for the occasional inspection of this facility to assure compliance with the plan of operation and relevant laws and Board rules, and certify to the Board on a periodic ongoing basis that the conduct of wagering at this facility is in compliance with the foregoing.

11. **NEVADA GOLD – VERNON DOWNS – REQUEST TO WITHDRAW \$2,665.56 FROM CIF**

The New York State Racing and Wagering Board approved the Vernon Downs November 13, 2007 request to withdraw a total of \$2,665.56 from its Capital Improvement Fund for reimbursement of the following expenditure:

Other (100%)

Renovations to Grandstand to meet codes	\$2,665.56
Total	<u>\$2,665.56</u>

12. **NEVADA GOLD – TIOGA DOWNS – REQUEST TO WITHDRAW \$34,918.43 FROM CIF**

The New York State Racing and Wagering Board approved the Tioga Downs October 12, 2007 request to withdraw a total of \$34,918.43 from its Capital Improvement Fund for reimbursement of the following expenditures:

Backstretch (100%)

Blacksmith Shed	\$ 4,378.51
Track Resurfacing	20,179.23
Resurface Paddock Lot	9,401.83
Paddock	577.34
Fence	<u>1.52</u>
Total	<u>\$34,918.43</u>

13. **NEW YORK JOCKEY INJURY COMPENSATION FUND, INC. – ASSESSMENT OF OWNERS AND TRAINERS FOR THE YEAR 2008**

The New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York Jockey Injury Compensation Fund, Inc. for the method of funding and assessment plan for 2008 as set forth in the attachments to the submitted application.

14. **PROPOSED RULEMAKING - MERCHANDISE WHEEL PRIZE AMOUNTS**

The New York State Racing and Wagering Board approved a proposed consensus rulemaking amendment to Board Rule 5620.10. This amendment will conform to the Board's Games of Chance regulations with the requirements of General Municipal Law 189(6).

15. **FIVE-YEAR RULES REVIEW**

The New York State Racing and Wagering Board approved the continuation of the following rules adopted in 1997 and 2002:

- Amendments to 9 NYCRR Sections 5602.1, 5606.1, 5606.14, 5608.7, 5620.12, 5624.1, 5624.18, and 5624.21, which updated certain form numbers, addresses, and adopt uniform language "as prescribed by the Board." RWB-37-01-00002-A, adopted in 2002.
- Amendments to 9 NYCRR 5600.1, 5608.4, 5608.5, 5608.7, 5611.1, 5611.2, 5620.19, and 5620.22, to conform the Board's games of chance rules and regulations to statutory amendments that were enacted in Chapter 637 of the Laws of 1999 and Chapter 337 of the Laws of 1998. These amendments apply to bell jar tickets and raffles. RWB-38-01-00001-A, adopted in 2002.
- Amendments to 9 NYCRR 5800.1, and the addition of new Part 5823, authorizing the use and distribution of electronic bingo aids in the conduct of bingo. RWB-28-02-00006-A, adopted in 2002.
- Amendments to 9 NYCRR 5624.3, to conform the Board's Games of Chance rules and regulations to statutory amendments that were enacted as Chapter 309 of the Laws of 1996, where the Games of Chance Law required that authorized

organizations that conduct raffles pay a fee of 2 percent of the net proceeds derived from the conduct of raffles. Such fee is to be paid to the local municipality where the game was conducted. RWB-43-96-00004-A, adopted in 1997.

**16. PROPOSED RULEMAKING - TOTALIZATOR SYSTEMS RULES - 9
NYCRR PART 5100**

The New York State Racing and Wagering Board approved proposal of a Revised Part 5100 based on comments received during the public comment period after publication to the Board's rules to regulate the operation of totalizator systems at New York racetracks and off-track betting operators.

**17. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR APPROVAL OF
INTERNET WAGERING PROPOSAL**

The New York State Racing and Wagering Board approved Capital District Regional Off-Track Betting Corp.'s Internet and Account Wagering Plan of Operation as presented in the documents provided with the November 15, 2007 submission with the following amendments:

1. CDROTB's "Policy and Procedure Statement" that was previously approved by the CDROTB Board by Resolution # 387 and subsequently terminated through the adoption of resolution 389 was incorporated into the Internet and Account Wagering Plan of Operation.
2. The VIPs (Very Important Persons) privileges described on Page 6 of the Internal Control Over Account Wagering and the Procedures described on page 4 of the Branch/Customer Service Procedure For Processing Electronic Check Transfers was denied without prejudice.

**18. NASSAU REGIONAL OTB – REQUEST FOR APPROVAL OF NEW FAST
TRACK – ROCKVILLE CENTER, NY**

The New York State Racing and Wagering Board approved an amendment to the Nassau Regional Off-Track Betting Corporation plan of operation to authorize the operation of a "Fast Track" simulcast facility at the Chaswill Ltd. d/b/a Churchill's located at 18 South Park Avenue in Rockville Center, New York in Nassau County.

It is a condition of this approval that the wagering and simulcasting at this facility will be conducted in accordance with the terms of the operating agreement presented to the Board as well as all applicable statutes and Board rules, and that all wagering will be conducted through self-service terminals only.

The Board's approval to operate a "Fast Track" 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.

It is expected that Nassau Regional OTB will arrange for the occasional inspection of this facility to assure compliance with the plan of operation and relevant laws and

Board rules, and certify to the Board on a periodic ongoing basis that the conduct of wagering at this facility is in compliance with the foregoing.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **INDIAN GAMING/LICENSING STATISTICS**
Licensing statistics for October 1, 2007 through October 31, 2007. Also included were the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.
2. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**
List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between October 15, 2007 – November 7, 2007.
3. **GAMES OF CHANCE/BELL JAR TICKETS**
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between October 1, 2007 – October 31, 2007.
4. **LICENSING/CURRENT LICENSE COUNT**
The racing licensing counts as of October 31, 2007 since January 1, 2007 were as follows: total receipts 15,337 and total licenses 12,249 for the year 2007.
5. **2007 LICENSED SUPPLIERS**
List of licensed suppliers and manufacturers for the time period of October 1, 2007 through October 31, 2007.
6. **YONKERS RACEWAY – REQUEST TO AMEND TOTE CONTRACT WITH SCIENTIFIC GAMES RACING LLC**
For entry into the minutes, by letter dated October 26, 2007, Yonkers Racing Corporation submitted an amendment to the existing contract they have with Scientific Games Racing LLC, their totalizator provider, to include ability to allow for Internet wagering. This modification to the tote contract was required as part of the plan of operation that the Board approved on October 1, 2007.
7. **NYRA – INTERNAL CONTROL FILINGS**
For entry into the minutes, by letter dated October 9, 2007, the New York Racing Association, Inc. filed four amended internal policies and procedures. The four policies amended were the Accounting Policy, Check Cashing Policy, Horsemen’s Bookkeeper Policy and the Risk Management Policy.
8. **YONKERS RACEWAY – INFORMATION RELATIVE TO PEACE OFFICERS**
Conditions fulfilled and licenses issued for the following 9 special policemen at Yonkers:

Shamel Bell
Khalil Glover
Carmen Guzman
Ricky Holloway
Catherine Lee
Jason Macias

Janus Persaud
Jorge Rivera
Jeannie Thompson.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

The meeting adjourned at 12:10 p.m.