



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF DECEMBER 8, 2010**

A meeting of the New York State Racing and Wagering Board was held on Monday, December 8, 2010 at 12:00 noon 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 12:03 p.m.

In Attendance Were:

John D. Sabini, Chairman
Daniel D. Hogan, Member
Charles J. Diamond, Member (via Telephone)
Ronald G. Ochrym, 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:

Kenneth Council, Director of Administration
Joseph Mahoney, NYSR&WB
Rick Goodell, NYSR&WB
Mark Stuart, NYSR&WB
James Kellogg, NYSR&WB
Patrick Wade, NYSR&WB
James Googas, NYSR&WB
Vivian Davis, NYSR&WB
Dan Levy, WNYT-TV
Rick Korlin, Times Union
Joe Spadaro
Mike Tobin, Birsh Family Farm
Steve Flamisch, WRGB-TV
Chris Cornell, WRGB-TV
Robert Hemsworth, Capital OTB
Paul Post, Saratogian
Brandon Scott, NY Post
Andrew Maroco, DKC
Sabina Kurkon, YNN
Daniel Levin, Wilson Elser

OPEN COMMENT PERIOD:

The Chairman instructed the public that the Board would entertain public comments after each of the Board's items were heard.

No public comments were made.

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

1. NEW YORK CITY OTB – PLAN FOR CLOSURE

On December 7, 2010, the New York State Racing and Wagering Board (“Board”) approved the December 7, 2010 request of the New York City Off-Track Betting Corporation (“NYCOTB”) to amend its plan of operation to reflect the cessation of simulcasting and wagering and the closure of branch office, teletheater and account wagering operations effective 12 AM, December 8, 2010. This amendment was based upon the recent submissions to the Board including the NYCOTB Resolutions dated December 1 and 3, 2010, and Management’s Plan for Closure submitted on November 29, 2010.

The Board directed, subject to any other applicable requirements of law, that NYCOTB disburse all funds in the deferred statutory payment account to each New York State track and breeding fund to which the money is owed no later than December 10, 2010.

The Board further directed that NYCOTB provide a complete accounting to the Board of all monies deposited into such account for wagers accepted up to the closing of operations no later than December 10, 2010.

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

1. EMERGENCY RULEMAKING – AMENDMENT TO INTERNET AND TELEPHONE ACCOUNT WAGERING RULES – ELECTRONIC APPLICATIONS FOR ADVANCED DEPOSIT WAGERING

The New York State Racing and Wagering Board approved the adoption of an emergency rule as well as the proposed amendment to Section 5300.4(a)(4) and (5) of the Board’s Internet and Telephone Account Wagering Rules as an Emergency Rulemaking. This amendment would allow individuals to open a telephone or internet account by applying online.

This emergency adoption and proposed rulemaking will facilitate the procedure to open new advanced deposit wagering accounts at authorized pari-mutuel entities within the State of New York that offer internet and telephone wagering.

2. **NASSAU REGIONAL OTB – REQUEST TO AMEND ACCOUNT WAGERING**
The New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request to amend its account wagering plan of operation to implement online applications including electronic signatures and identity verification as provided for in its June 4, 2010 letter and associated documents. All previously established conditions from the Board’s prior approvals remain in effect.
3. **CATSKILL REGIONAL OTB – REQUEST TO INCLUDE ON-LINE REGISTRATION AT INTERBETS.COM**
The New York State Racing and Wagering Board approved the Catskill Regional Off-Track Betting Corporation request to amend its account wagering plan of operation to implement online applications including electronic signatures and identity verification as provided for in its August 25, 2010 letter and associated documents. All previously established conditions from the Board’s prior approvals remain in effect.
4. **NYRA – REQUEST TO AMEND INSTANT ONLINE APPLICATION & IDENTITY VERIFICATION RULE PROCESS**
The New York State Racing and Wagering Board approved the New York Racing Association request to amend its account wagering plan of operation to implement online applications including electronic signatures and identity verification as provided for in its December 1, 2010 letter and associated documents. All previously established conditions from the Board’s prior approvals remain in effect.
5. **SARATOGA HARNESS – REQUEST TO AMEND ACCOUNT WAGERING TO INCLUDE USE OF PINPOCKET TO WITHDRAW AND DEPOSIT FUNDS**
The New York State Racing and Wagering Board approved the Saratoga Gaming and Raceway request to amend its account wagering plan of operation to include the use of PINpocket as a mechanism for depositing funds via credit card, debit card and ACH and withdrawing funds via ACH. All other terms and conditions of the Board’s May 25, 2010 approval of Saratoga Gaming and Raceway’s internet and telephone wagering plan of operation remain in effect.
6. **NYRA – REQUEST TO OFFER DOUBLE NYRA REWARDS PROMOTION**
The New York State Racing and Wagering Board approved the New York Racing Association December 3, 2010 request to conduct the Double NYRA Rewards promotion for new accounts through December 31, 2011.
7. **CATSKILL REGIONAL OTB – REQUEST TO AMEND ACCOUNT WAGERING PLAN OF OPERATION – OUT-OF-STATE ACCOUNTS**
The New York State Racing and Wagering Board approved the Catskill Regional Off-Track Betting Corporation October 13, 2010 request to accept accounts and offer live video streaming for out of state residents. The approval is conditioned on the following:
 - Catskill OTB may accept out-of-state accounts in those states where permissible by law.
 - Catskill OTB may offer wagering via the internet only for those tracks which have provided written consent and have obtained the proper regulatory approvals.

- Catskill OTB may offer live video streaming of races via the internet only for those tracks which have provided written consent and have obtained the proper regulatory approvals. Live video streaming of races is restricted to Catskill OTB's statutorily defined region and out-of-state. Video streaming within the Catskill region is further conditioned upon compliance with all provisions of Racing, Pari-Mutuel Wagering and Breeding Law Section 1003, including the requirement of agreement with an in-state regional track for such in-home simulcasting.
- All other conditions from the Board's prior approval of the account wagering plan of operation remain in effect.

**8. YONKERS RACEWAY – REQUEST TO AMEND ACCOUNT WAGERING –
ELECTRONIC SIGNATURE/ID**

The New York State Racing and Wagering Board approved the Yonkers Racing Corporation request to amend its account wagering plan of operation to implement online applications including electronic signatures and identity verification as provided for in its December 6, 2010 letter and associated documents. All previously established conditions from the Board's prior approvals remain in effect.

The meeting adjourned at 12:27 p.m.