



**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF DECEMBER 21, 2011**

**A meeting of the New York State Racing and Wagering Board was held on Wednesday, December 21, 2011 at 2:00 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 2:05 p.m.**

**In Attendance Were:**

John D. Sabini, Chairman  
Daniel D. Hogan, Member  
Charles J. Diamond, Member  
Ronald G. Ochrym, Executive Director  
Robert Feuerstein, General Counsel  
Thomas Casaregola, Audits & Investigations  
Kristen Buckley, Acting Secretary to the Board

**Also in Attendance Were:**

Lee Park, NYSR&WB  
Nicole Robilotto, Director of Licensing  
Michelle Martin, NYSR&WB  
James Kellogg, NYSR&WB  
Mark Stuart, NYSR&WB  
Bill Crowell, Whiteman Osterman  
Robert Hemsworth, Capital OTB  
Jim Crane, Crane Consulting  
Jim Odato, Times Union  
David Lombardo, Daily Gazette

**OPEN COMMENT PERIOD: Began: 2:05 p.m. Ended: 2:05 p.m.**

Comments were received from Jackson Leeds via e-mail and are attached to the minutes.

No other comments were made.

**A.** The Board approved the minutes of the Board meeting held on November 29, 2011.

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

**1. BUFFALO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on December 1, 2011, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Gulfstream Park, Florida from December 3 through December 31, 2011.
2. Tampa Bay Downs, Florida from December 3 through December 31, 2011.

**2. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT BET \$50 GET \$50 PROMOTION DURING THE CALENDAR YEAR 2012**

For entry into the minutes, on December 16, 2011, the New York State Racing and Wagering Board approved the November 10, 2011 application by the Capital District Regional Off-Track Betting Corporation to conduct the Bet \$50 Get \$50 promotion throughout the calendar year 2012.

**3. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT BET DOUBLE REWARD POINT DAYS DURING DIFFERENT TIME PERIODS OF THE CALENDAR YEAR 2012**

For entry into the minutes, on December 16, 2011, the New York State Racing and Wagering Board approved the November 16, 2011 application by the Capital District Regional Off-Track Betting Corporation to conduct Double Rewards Points Days throughout the calendar year 2012.

**4. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT A PICK SIX CARRYOVER PROMOTION WITH CAPITAL BETS ACCOUNT HOLDERS FOR THE CALENDAR YEAR 2012**

For entry into the minutes, on December 16, 2011, the New York State Racing and Wagering Board approved the November 9, 2011 application by the Capital District Regional Off-Track Betting Corporation to conduct the Pick Six Carryover promotion throughout the calendar year 2012.

5. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT A SERIES OF HANDICAPPING CONTESTS DURING THE CALENDAR YEAR 2012**

For entry into the minutes, on December 16, 2011, the New York State Racing and Wagering Board approved the November 7, 2011 application by the Capital District Regional Off-Track Betting Corporation to conduct the described 2012 Capital OTB Handicapping Series throughout the calendar year 2012.

6. **CAPITAL DISTRICT REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on December 2, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Capital District Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from the Finger Lakes Racing Association, Inc., New York through December 5, 2011.

7. For entry into the minutes, on December 8, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Capital, Catskill, Nassau, Suffolk and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from:

1. Hialeah Race Park, Florida from December 10 through December 31, 2011.
2. Los Alamitos Race Course, California for December 30 and December 31, 2011.

8. **CATSKILL REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on December 2, 2011, the New York State Racing and Wagering Board approved an amendment to the plans of operation of Catskill, Capital, Nassau, Suffolk and Western Regional Off-Track Betting Corporations authorizing the simulcast for wagering purposes of races from:

1. Gulfstream Park, Florida from December 3 through December 31, 2011
2. Tampa Bay Downs, Florida from December 3 through December 31, 2011.

9. **FINGER LAKES RACETRACK – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on November 29, 2011, 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:

1. Gulfstream Park, Florida from December 3 through December 31, 2011.
2. Tampa Bay Downs, Florida from December 3 through December 31, 2011.

10. For entry into the minutes, on December 2, 2011, 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 Turfway Park, Kentucky through December 31, 2011.
11. **MONTICELLO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on November 29, 2011, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Gulfstream Park, Florida from December 3 through December 31, 2011.
12. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on December 2, 2011, the New York State Racing and Wagering Board approved Monticello Raceway’s request to simulcast its harness racing programs for wagering purposes to Lien Games Racing, LLC (with eight [8] secondary sites: Chips Lounge and Casino, Skydancer Casino, Rumors, Howard Johnson[Turf Room], Howard Johnson [Tel Wager], Howard Johnson [OTB], Offtrackbetting.com, Oregon Hub Internet excluding Raceplaywin.com), North Dakota through December 31, 2011.
13. **NYRA – REQUEST FOR APPRENTICE JOCKEY WEIGHT ALLOWANCE EXTENSION FOR RYAN CURATOLO**  
For entry into the minutes, on December 13, 2011, the New York State Racing and Wagering Board approved an extension of the weight allowance for Apprentice Jockey Ryan Curatolo through January 28, 2012 based upon injury and other valid reasons.
14. **NYRA – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on November 29, 2011, 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 Sunland Park, New Mexico from December 6 through December 31, 2011.
15. For entry into the minutes, on December 1, 2011, 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:
  1. Gulfstream Park, Florida from December 3 through December 31, 2011.
  2. Tampa Bay Downs, Florida from December 3 through December 31, 2011.
16. **SARATOGA HARNESS – REQUEST TO CONDUCT A “SHOWTIME” ONLINE HANDICAPPING CONTEST**  
For entry into the minutes, on December 2, 2011, the New York State Racing and Wagering Board approved the November 29, 2011 Saratoga Casino and Raceway request to conduct the “SHOWtime” Online Handicapping Contest on Sunday, December 11, 2011.

17. **SARATOGA HARNESS – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on November 29, 2011, the New York State Racing and Wagering Board approved an amendment to the Saratoga Casino and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Gulfstream Park, Florida from December 3 through December 31, 2011.
2. Tampa Bay Downs, Florida from December 3 through December 31, 2011.

18. **SUFFOLK REGIONAL OTB – CLOSURE OF RONKONKOMA BRANCH AND GRAND BOULEVARD BRANCH**

For entry into the minutes, on December 16, 2011, the New York State Racing and Wagering Board approved the December 1, 2011 request by Suffolk Regional Off-Track Betting Corporation to amend its plan of operation to reflect the closure of two branches effective close of business December 18, 2011: Ronkonkoma (Branch #255) located at 136 Portion Rd., Ronkonkoma, NY 11770 and Grand Boulevard Branch (Branch # 283) located at 860 Grand Boulevard, Deer Park, NY 11729.

19. **TIOGA DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on December 1, 2011, 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 Tampa Bay Downs, Florida from December 3 through December 31, 2011.

20. **VERNON DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on December 1, 2011, 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 Tampa Bay Downs, Florida from December 3 through December 31, 2011.

21. **YONKERS RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2011**

For entry into the minutes, on November 29, 2011, 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 Turfway Park, Kentucky from December 1 through December 31, 2011.

22. For entry into the minutes, on December 6, 2011, 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:

1. Gulfstream Park, Florida through December 31, 2011.
2. Tampa Bay Downs, Florida through December 31, 2011.

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

**1. CAPITAL DISTRICT REGIONAL OTB - REQUEST FOR NEW CONCESSIONAIRE – ALBANY TELETHEATER**

For entry into the minutes, on December 8, 2011, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation’s request to amend its plan of operation to reflect the new concessionaire for the new Teletheater located at 711 Central Avenue, Albany New York. The new concessionaire is Capital City Sports Grill, LLC.

**2. NYRA – REQUEST TO AMEND ACCOUNT WAGERING PLAN OF OPERATION – RELOCATION OF TELEPHONE WAGERING CALL CENTER**

For entry into the minutes, on December 12, 2012, the New York State Racing and Wagering Board (Board) approved the request by the New York Racing Association, Inc. (NYRA) to amend its internet and account wagering plan of operation to reflect the relocation of its call center as specified in its December 9, 2011 letter and subsequent correspondence with staff. The approval is conditioned on the following:

- NYRA shall be substantially in compliance with Chapter 402 of the Laws of 2011 in regard to the operation of the New York call center by the effective date of the legislation;
- NYRA shall notify the Board when the NY call center is handling 100% of the NYRA calls;
- Once the NY call center is operational, the Oregon call center may only be used in the event of an emergency and NYRA shall immediately notify the Board of the same;
- All employees involved in the New York call center shall obtain occupational racing licenses prior to commencing operation;
- NYRA shall perform any necessary tests of the system and provide satisfactory evidence of the same prior to commencing operation.

**3. BATAVIA DOWNS – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011, the New York State Racing and Wagering Board (“Board”) approved the Batavia Downs December 8, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year, and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

4. **BUFFALO RACEWAY – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011, the New York State Racing and Wagering Board (“Board”) approved the Buffalo Trotting Association December 7, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year, and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

5. **FINGER LAKES – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011, the New York State Racing and Wagering Board (“Board”) approved the Finger Lakes Racing Association December 13, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year, and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

6. **MONTICELLO RACEWAY – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011, the New York State Racing and Wagering Board (“Board”) approved the Monticello Raceway December 7, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year, and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

7. **NYRA – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011 the New York State Racing and Wagering Board (“Board”) approved the New York Racing Association December 9, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year, and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

8. **SARATOGA HARNESS – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011, the New York State Racing and Wagering Board (“Board”) approved the Saratoga Casino and Raceway December 9, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year, and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

9. **TIOGA DOWNS – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011, the New York State Racing and Wagering Board (“Board”) approved the Tioga Downs December 2, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year, and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

10. **VERNON DOWNS – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011, the New York State Racing and Wagering Board (“Board”) approved the Vernon Downs December 2, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast exports and imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year, and those sites that offer computerized robotic wagering, computerized assisted wagering or other unconventional methods of wagering as determined by the Board.

11. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011, the New York State Racing and Wagering Board (“Board”) approved Capital District Regional Off-Track Betting Corporation’s December 7, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year.



12. **CATSKILL REGIONAL OTB – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011, the New York State Racing and Wagering Board (“Board”) approved Catskill Regional Off-Track Betting Corporation’s December 2, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year.

13. **NASSAU REGIONAL OTB – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011, the New York State Racing and Wagering Board (“Board”) approved Nassau Regional Off-Track Betting Corporation’s December 2, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year.

14. **SUFFOLK REGIONAL OTB – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011, the New York State Racing and Wagering Board (“Board”) approved Suffolk Regional Off-Track Betting Corporation’s December 8, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year.

15. **WESTERN REGIONAL OTB – REQUEST FOR BLANKET APPROVAL OF SIMULCASTS FOR THE YEAR 2012**

For entry into the minutes, on December 15, 2011 the New York State Racing and Wagering Board (“Board”) approved Western Regional Off-Track Betting Corporation’s December 8, 2011 request to utilize “blanket approval” of simulcasting for the year 2012 as described in the Board’s November 23, 2011 communication.

Excluded from this approval are simulcast imports with entities and sites not simulcast during the prior annual simulcast licensing period, i.e. last calendar year.

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

1. **CAPITAL DISTRICT REGIONAL OTB – 2012 SIMULCAST LICENSE APPLICATION**

On December 21, 2011, the New York State Racing and Wagering Board granted the Capital District Regional Off-Track Betting Corporation simulcast license for 2012 for

thirty two (32) simulcast branches, thirty-four (34) E-Z bet facilities, and two (2) teletheaters.

The 2012 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 SSAE 16 SOC 2 Type 2 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, 2012.
  - b. Rule 5100.2(b)(1), which requires that the totalisator system be in compliance with Rule 4100.24(l)-Independent Monitoring System.

The Board approved plans relating to Totalisator Room Security (Rule 5100.23[d]).

**2. CATSKILL REGIONAL OTB – 2012 SIMULCAST LICENSE APPLICATION**

On December 21, 2011, the New York State Racing and Wagering Board granted the Catskill Regional Off-Track Betting Corporation simulcast license for 2012 for twenty (20) simulcast branches, five (5) E-Z bet facilities, and one (1) teletheater.

The 2012 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 SSAE 16 SOC 2 Type 2 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, 2012.
  - b. Rule 5100.2(b)(1), which requires that the totalisator system be in compliance with Rule 4100.24(l)-Independent Monitoring System.

The Board approved plans relating to Totalisator Room Security (Rule 5100.23[d]).

**3. NYRA – REQUEST TO ESTABLISH TAKEOUT RATES**

On December 21, 2011, the New York State Racing and Wagering Board (Board) approved the New York Racing Association, Inc. (NYRA) request to reduce the takeout rates on NYRA races for all exotic wagers from 26% to 24%, super exotic wagers from 16% to 15% and super exotic bets with a carryover from 26% to 24%. This approval is conditioned on satisfaction of the following requirements:

1. A letter from your totalisator provider (United Tote) must be submitted to the Board along with the relevant computer printout confirming the above rates. This letter must be filed no later than five (5) business days following this approval.

2. No later than January 6, 2012 NYRA shall submit to the Board adequate policies and procedures to implement the following requirements (3 through 8).
3. No later than January 6, 2012, NYRA is to develop policies and procedures and file them with the Board on how NYRA will pay the bearer of an unexpired qualifying un-cashed winning ticket from the date of this approval until such time as the correct payout amount can be calculated.
4. No later than February 17, 2012 NYRA shall provide to the Board and all affected entities the recalculated payoffs in report format.
5. No later than February 17, 2012 NYRA shall identify all account holders, bearer accounts (by account numbers only) and W2G winners with qualifying recalculated winning wagers.
6. No later than March 30, 2012 NYRA is to credit the total amount due to qualifying account holders and W2G winners.
7. No later than April 16, 2012 NYRA must provide a report to the Board listing the total number of account holders and individuals that were credited with the additional total amount paid.
8. If presented with a unexpired qualifying un-cashed winning ticket on or after February 17, 2012, NYRA must pay individuals the recalculated correct payout. Such ticket shall be marked as such and NYRA shall keep a record of each ticket in report format.

4. **SARATOGA HARNESS – REQUEST FOR APPROVAL OF SOUTH ENTRANCE RENOVATION**

Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 322, on December 21, 2011, the New York State Racing and Wagering Board approved and issued a permit for the construction work detailed in the Office of General Services construction permit dated November 18, 2011. This work is related to the renovation of the South Entrance of the facility.

5. **THE JOCKEY CLUB – 2012 RACING OFFICIALS**

Pursuant to Board Rules 4005.1 and 4023.1, on December 21, 2011, the New York State Racing and Wagering Board approved the Jockey Club request to employ Dr. William Theodore Hill as the Jockey Club Steward at the New York Racing Association tracks and Mr. Donald Combs as the Jockey Club Steward at Finger Lakes Racetrack for the 2012 racing seasons.

6. **BUFFALO RACEWAY – REQUEST TO AMEND PLAYER REWARDS PROGRAM FOR CASINO FREE PLAY**

On December 21, 2011, the New York State Racing and Wagering Board approved Buffalo Trotting Association, Inc.'s request to amend its player rewards program to issue a reward of 1% in the form of Casino Free Play to rewards members as specified in its October 24, 2011 letter.

7. **NYRA – 2012 RACE DATES**  
Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Sections 101 and 208, on December 21, 2011, the New York State Racing and Wagering Board approved the request by the New York Racing Association for the conduct of the Aqueduct Racetrack, Belmont Park and Saratoga Racecourse 2012 race dates specified in its December 7, 2011 application.
  
8. **NYRA – 2012 WAGERING MENU**  
On December 21, 2011, the New York State Racing and Wagering Board (Board) approved the request by the New York Racing Association, Inc. (NYRA) for its 2012 wagering menu as specified in its December 7, 2011 letter. The approval is conditioned on the following:
  - All wagering is to be conducted pursuant to the applicable New York State Codes, Rules and Regulations and the Board’s October 12, 2011 Directive regarding superfectas;
  - Advance wagering for a Grade I stakes and international simulcast equivalents is limited to the circumstances set forth in the October 16 and 17, 2008 correspondence between Board staff and NYRA staff; NYRA is required to provide notice to the Board of advance wagering events prior to the conduct of advance wagering;
  - Future pools hosted by NYRA will need separate approval and will be considered on a case by case basis.
  
9. **MONTICELLO RACEWAY – 2012 TRACK AND SIMULCAST LICENSE APPLICATIONS**  
On December 21, 2011, the New York State Racing and Wagering Board assigned to Monticello Raceway the race dates requested for the months of January 2012 and February 2012 only.
  
10. **BUFFALO RACEWAY – 2012 TRACK AND SIMULCAST LICENSE APPLICATIONS**  
On December 21, 2011, the New York State Racing and Wagering Board assigned to Buffalo Trotting Association the race dates requested for the months of January 2012 and February 2012 only.
  
11. **YONKERS RACEWAY 2012 TRACK AND SIMULCAST LICENSE APPLICATIONS**  
On December 21, 2011, the New York State Racing and Wagering Board assigned to Yonkers Raceway the race dates requested for the months of January 2012 and February 2012 only.
  
12. **WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST FOR EXPANSION OF THE SOUTH SMOKING ROOM ON THE BATAVIA DOWNS CASINO GAMING FLOOR**  
Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 322, on December 21, 2011, the New York State Racing and Wagering Board approved and

issued a permit for the work detailed in the information submitted and the City of Batavia construction permit dated December 12, 2011. This work is related to the expansion of the South Smoking Room.

**13. NYRA – 2012 RACING OFFICIALS**

Pursuant to Board Rule 4005.1, on December 21, 2011, the New York State Racing and Wagering Board approved the December 8, 2011 request of The New York Racing Association, Inc. to employ the twenty-eight (28) Category I, five (5) Category II and two (2) Category III racing officials specified during the full year 2012 with the exception of Ms. Diane Connor (listed as an assistant horse identifier), Ms. Trinity Nemititi (listed as assistant racing secretary/handicapper), and Dr. Leslie Karkheck (listed as examining veterinarian). Ms. Connor, Ms. Nemititi and Dr. Karkheck are approved for the month of January 2012 only pending completion of staff review.

**14. NOTICE OF PROPOSED RULEMAKING – TESTING OF CLAIMED HORSES**

The New York State Racing and Wagering Board approved the proposal of amendments to Sections 4038.17 (thoroughbred) and 4109.5 (harness) of 9 NYCRR. These amendments will remove the requirement that all claiming horses are subject to mandatory drug testing and provide that claimed horses will be tested based on race results, questions of integrity or other reasons within the discretion of the stewards.

**15. IN THE MATTER OF RICHARD B. JONES**

The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the 90 day license suspension and \$2500 fine of Richard B. Jones be upheld based upon the decision of the Presiding Judge at Yonkers Raceway that Richard B. Jones, as responsible trainer, violated Board Rules 4120.13 and 4120.4 in that he trained a horse that competed at Yonkers Raceway on October 30, 2010 with a pre-race TCO2 level of 39 millimoles per liter or more.

**16. IN THE MATTER OF ROBERT T. LOUNSBURY**

The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the appeal of Robert T. Lounsbury from a \$50 fine for failing to report an equipment change in violation of Board Rules 4104.7, 4104.10(a)(3) and 4119.9 be granted and the Notice of Violation be dismissed.

**17. IN THE MATTER OF TODD J. MABB**

The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the refusal of the groom's license of Todd J. Mabb, because his experience, character and general fitness is such that his participation in racing or related activities in the State of New York is inconsistent with the public interest, convenience or necessity or with the best interest of racing generally, be affirmed.

**18. IN THE MATTER OF PETER J. SAVA**

The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the denial of the owner's license of Peter J. Sava, because his experience, character and general fitness is such that his participation

in racing or related activities in the State of New York is inconsistent with the public interest, convenience or necessity or with the best interest of racing generally, be affirmed.

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

**1. INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for November 1, 2011 through November 30, 2011. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.

**2. LICENSING/CURRENT LICENSE COUNT**

The racing licensing counts as of November 30, 2011 since January 1, 2011 were as follows: total receipts 15,908 and total licenses 13,780 for the year 2011.

**3. GAMES OF CHANCE/BELL JAR TICKETS**

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between November 1, 2011 and November 30, 2011.

**4. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from November 16, 2011 through December 6, 2011.

**5. 2011 LICENSED SUPPLIERS**

List of licensed suppliers - manufacturers' and distributors' licenses issued for the time period of November 1, 2011 through November 30, 2011.

**6. SUFFOLK REGIONAL OTB – ONE YEAR RENEWAL OF QWIK BET AGREEMENTS**

Suffolk Regional Off-Track Betting Corporation submitted notice of extension for the terms of the following Qwik Bet Agreements:

Darlababe, Inc., d/b/a Bruno's Village Restaurant  
Ellie Tavern Corp., d/b/a Pete's Place  
Brylam Pub, Inc., d/b/a Twisted Shamrock  
Mariella Enterprises, d/b/a Dunton Inn  
Jane on Main, Inc., d/b/a Shagwong Tavern  
Signal 8 Corp., d/b/a Cousin Craig's Signal 8 Saloon  
Mc Sully Enterprises, Inc., d/b/a Southampton Publick House

**F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED**

**1. NYRA – REQUEST FOR APPROVAL OF NEW RACING OFFICIAL – LASIX VETERINARIAN – WENDY BUHRMASTER**

The approval of lasix veterinarian Dr. Wendy Buhrmaster on 9/30/11 was conditioned upon the satisfactory completion of her suitability review. This condition has been met.

2. **WESTERN REGIONAL OTB – REQUEST TO CLOSE TWO BRANCHES (445 W. COMMERCIAL ST – EAST ROCHESTER AND 2231 EMPIRE BLVD. – WEBSTER) AND OPEN A NEW ENHANCED BRANCH AT 44 EAST MAIN STREET – WEBSTER**

The approval of the opening of the new branch at 44 Main Street, Webster was conditioned upon the New York State Racing and Wagering Board (Board) receiving a copy of the completed Certificate of Occupancy prior to the opening of the branch. This condition has been satisfied as a Temporary Certificate of Occupancy was issued by the Village of Webster Building Department on 12/2/11 and received by the Board that same day.

**The meeting adjourned at 2:56 p.m.**