



**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF FEBRUARY 29, 2012**

**A meeting of the New York State Racing and Wagering Board was held on Wednesday, February 29, 2012 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 2:11 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:**

Kenneth Council, Deputy Executive Director  
Lee Park, NYSR&WB  
Ellen All, NYSR&WB  
Michelle Martin, NYSR&WB  
James Kellogg, NYSR&WB  
Mark Stuart, NYSR&WB  
Rick Goodell, NYSR&WB  
William Sekellick, NYSR&WB  
John Kenefick, Albany Law School  
Mike Kane, Thoroughbred Daily News  
Allison Lee, DKC  
Andrew Marollo, DKC  
Jim Crane, Crane & Parente

**OPEN COMMENT PERIOD: Began: 2:11 p.m. Ended: 2:11 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 January 25, 2012.

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

**1. BUFFALO RACEWAY – REQUEST TO CONDUCT THE 2012 SPRING HANDICAPPING CONTEST**

For entry into the minutes, on February 23, 2012, the New York State Racing and Wagering Board approved the February 15, 2012 Buffalo Trotting Association request to conduct a Harness Handicapping Contest with qualifiers on Saturday, March 10, 2012, Saturday, March 17, 2012, Saturday, March 24, 2012 and Saturday, March 31, 2012 and the final on Saturday, April 14, 2012.

**2. BUFFALO RACEWAY – REQUEST TO CONDUCT A “LUCKY PROGRAM” PROMOTION ON MARCH 17, 2012**

For entry into the minutes, on February 23, 2012, the New York State Racing and Wagering Board approved the February 15, 2012 Buffalo Trotting Association request to conduct a “Lucky Program” promotion on Saturday, March 17, 2012.

**3. BUFFALO RACEWAY – REQUEST TO OFFER “DOUBLE POINTS” FOR PLAYERS USING THEIR REWARDS CARDS ON THURSDAYS IN APRIL**

For entry into the minutes, on February 23, 2012, the New York State Racing and Wagering Board approved the February 15, 2012 Buffalo Trotting Association request to offer double rewards points to all members using their Player Rewards card on all Thursdays during the month of April, 2012.

**4. BUFFALO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**

For entry into the minutes, on February 14, 2012, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes to Fort Erie Race Track (with two [2] secondary sites: Buffy’s, St. Catherine’s and Fort Erie OTB), Ontario, Canada during the calendar year 2012.

**5. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR BLANKET APPROVAL FOR VOUCHER DRAWINGS AND “KNOCKOUT CHALLENGE” CONTESTS AT CLUBHOUSE RACE BOOK THROUGHOUT 2012**

For entry into the minutes, on January 24, 2012, the New York State Racing and Wagering Board approved the January 17, 2012 application by the Capital District Regional Off-Track Betting Corporation for blanket approval to conduct random

voucher drawings and “Knockout Challenge” handicapping contests at the Clubhouse Race Book throughout the calendar year 2012.

6. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR APPROVAL OF FEBRUARY 2012 PROMOTIONS**

For entry into the minutes, on February 2, 2012, the New York State Racing and Wagering Board approved the January 23, 2012 application by the Capital District Regional Off-Track Betting Corporation to conduct the specified handicapping contests and promotion events for February, 2012.

7. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT CLUBHOUSE RACE BOOK SUPER BOWL PARTY GIVEAWAY PROMOTION**

For entry into the minutes, on February 3, 2012, the New York State Racing and Wagering Board approved the February 2, 2012 application by the Capital District Regional Off-Track Betting Corporation to conduct a Clubhouse Race Book Super Bowl Party and Giveaway on Sunday, February 5, 2012. The Board approved the Capital District Regional Off-Track Betting Corporation request to set the admission fee as zero dollars for that day only.

8. **CAPITAL DISTRICT REGIONAL OTB – CLOSURE OF EZ-BET – ADIRONDACK LANES - TICONDEROGA**

For entry into the minutes, on February 10, 2012, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation request to amend its plan of operation to reflect the closure of the EZ-Bet at Adirondack Lanes located on Hague Road, Ticonderoga, New York effective February 12, 2012.

9. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR BLANKET APPROVAL FOR \$2 QUICK PICK WIN BET GIVEAWAYS THROUGHOUT 2012**

For entry into the minutes, on February 14, 2012, the New York State Racing and Wagering Board approved the February 9, 2012 application by the Capital District Regional Off-Track Betting Corporation for blanket approval to conduct \$2 Quick Pick win bet giveaways at the Clubhouse Race Book throughout the calendar year 2012.

10. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR BLANKET APPROVAL TO CONDUCT HARNESS HANDICAPPING CONTESTS THROUGHOUT 2012**

For entry into the minutes, on February 16, 2012, the New York State Racing and Wagering Board approved the January 31, 2012 application by the Capital District Regional Off-Track Betting Corporation for blanket approval to conduct Harness Handicapping Contests at the Clubhouse Race Book throughout the calendar year 2012, the first of which will be held on Thursday, February 23, 2012.

11. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR BLANKET APPROVAL TO CONDUCT “LIVE BANKROLL SYNDICATE” PROMOTIONS THROUGHOUT 2012**  
For entry into the minutes, on February 23, 2012, the New York State Racing and Wagering Board approved the February 3, 2012 application by the Capital District Regional Off-Track Betting Corporation for blanket approval to conduct Live Bankroll Syndicate promotions for Capital Bets account holders and Clubhouse Race Book patrons throughout the calendar year 2012.
12. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT A DRAWING FOR TWO FREE ENTRIES INTO THE “SHAMROCK SHOWDOWN”**  
For entry into the minutes, on February 23, 2012, the New York State Racing and Wagering Board approved the February 17, 2012 application by the Capital District Regional Off-Track Betting Corporation to conduct a drawing for two free entries into the “Shamrock Showdown” handicapping contest with one drawing on Saturday, February 25, 2012 and one drawing on Sunday, February 26, 2012.
13. **CAPITAL DISTRICT REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2012**  
For entry into the minutes, on February 23, 2012, 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 Rideau Carleton Raceway, Ontario, Canada for the calendar year 2012.
14. **FINGER LAKES RACETRACK – REQUEST FOR APPROVAL TO CONDUCT THE \$2,500 HANDICAPPING CHALLENGES**  
For entry into the minutes, on February 2, 2012, the New York State Racing and Wagering Board approved the January 31, 2012 application by the Finger Lakes Racing Association, Inc. to conduct the \$2,500 Finger Lakes Handicapping Challenges on the following Saturdays: February 11, February 25 and March 17, 2012.
15. **MONTICELLO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2012**  
For entry into the minutes, on February 10, 2012, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing participation in the one Kentucky Oaks and the three Kentucky Derby future pools for the year 2012 Kentucky Oaks to be run on May 4, and the Kentucky Derby to be to be run on May 5, 2012 at Churchill Downs, Kentucky.
16. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**  
For entry into the minutes, on February 2, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness

racing programs for wagering purposes for the year 2012 to Ultimate Sports Bar, Ontario, Canada, a secondary site associated with the previously approved simulcasts to WinRac Development, Inc..

17. For entry into the minutes, on February 14, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to the following secondary sites associated with the previously approved simulcasts to Churchill Downs Incorporated:

1. Kenner Finish Line OTB.
2. Gretna Finish Line OTB.
3. Covington Finish Line OTB.
4. Houma Finish Line OTB.
5. LaPlace Finish Line OTB.
6. Thibodaux Finish Line OTB.
7. Metairie Finish Line OTB.
8. Elmwood Finish Line OTB.
9. Boutte Finish Line OTB.
10. Chalmette Finish Line OTB.
11. Fairgrounds Account Wagering.
12. Velocity Wagering Limited.

18. For entry into the minutes, on February 14, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to the following secondary sites associated with the previously approved simulcasts to Rocky Mountain Turf Club, Inc.:

1. Black Diamond Hotel.
2. Champs Sports Lounge, Grand Prairie.
3. Evergreen Park, Grand Prairie.
4. Longshots, Fort McMurray.
5. Players Club, Camrose.
6. Skips Sports Bar, Calmar.
7. Smoky Lake Inn.

19. For entry into the minutes, on February 14, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to the following secondary sites associated with the previously approved simulcasts to AmWest Entertainment LLC (AW1 and AW3 were not approved):

1. AmWest Account Wagering, TRA Code AWA.
2. AmWest Account Wagering, TRA Code AWS.

20. For entry into the minutes, on February 23, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to Major Willy Mayo's OTB, Virginia, a secondary site associated with the previously approved simulcasts to Colonial Downs.
  
21. **NASSAU REGIONAL OTB – REQUEST TO CONDUCT VARIOUS HANDICAPPING CONTESTS DURING THE CALENDAR YEAR 2012**  
For entry into the minutes, on February 16, 2012, the New York State Racing and Wagering Board approved the February 9, 2012 application by the Nassau Regional Off-Track Betting Corporation to conduct various handicapping contests throughout the calendar year 2012 beginning on Monday, February 20, 2012 at the B.K. Sweeney's Branch and also on Friday, February 24, 2012 at the Charlie Meaney's Branch.
  
22. **NYRA – REQUEST TO OFFER GUARANTEED POOLS DURING THE 2012 AQUEDUCT RACETRACK WINTER/SPRING RACE MEET**  
For entry into the minutes, on January 24, 2012, the New York State Racing and Wagering Board approved the January 16, 2012 New York Racing Association request to offer the following Late Pick 4 guaranteed pools during the 2012 Aqueduct Racetrack Winter/Spring Race Meet:
  1. A \$150,000 Guaranteed Late Pick 4 on Fridays during the 2012 Aqueduct Racetrack winter/spring meet, starting on Friday, February 3rd and then every subsequent Friday through Friday, April 20.
  2. A \$500,000 Guaranteed Late Pick 4 on Saturday, April 7, Wood Memorial Day, at Aqueduct Racetrack.
  
23. **NYRA – REQUEST FOR APPRENTICE JOCKEY WEIGHT ALLOWANCE EXTENSION FOR GUARINOX RIVERA**  
For entry into the minutes, on February 2, 2012, the New York State Racing and Wagering Board approved a 138 day extension through June 10, 2012 of the apprentice weight allowance for apprentice jockey Guarinox Rivera. In the event Mr. Rivera has not ridden his 40th winner by June 10, 2012, his allowance will expire on the earlier of the event of his 40th winner or December 2, 2012.
  
24. **NYRA – EXPORT TO VARIOUS LOCATIONS IN 2012**  
On February 23, 2012, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its harness racing programs for wagering purposes for the year 2012 to Len-Rays All Season Racing Service, Guyana, a secondary site associated with the previously approved simulcasts to Sports Wire, Inc.

25. **SARATOGA HARNESS – REQUEST FOR BLANKET APPROVAL TO CONDUCT A “10% DEPOSIT BONUS” THROUGHOUT THE CALENDAR YEAR 2012**  
For entry into the minutes, on January 24, 2012, the New York State Racing and Wagering Board approved the January 16, 2012 Saratoga Casino and Raceway request for approval to conduct a “10% Deposit Bonus” throughout the calendar year 2012.
26. **SARATOGA HARNESS – REQUEST FOR BLANKET APPROVAL TO CONDUCT VARIOUS PROMOTIONS DURING THE CALENDAR YEAR 2012**  
For entry into the minutes, on January 25, 2012, the New York State Racing and Wagering Board approved the December 30, 2011 application by the Saratoga Casino and Raceway to conduct various promotions throughout the calendar year 2012.
27. **SARATOGA HARNESS – REQUEST FOR BLANKET APPROVAL TO CONDUCT A “3% ANTI-SURCHARGE” PROMOTION**  
For entry into the minutes, on February 14, 2012, the New York State Racing and Wagering Board approved the February 6, 2012 Saratoga Casino and Raceway request for approval to conduct a “3% Anti-Surcharge” promotion throughout the calendar year 2012.
28. **SUFFOLK REGIONAL OTB – REQUEST TO HOLD A MARCH HANDICAPPING CONTEST**  
For entry into the minutes, on February 23, 2012, the New York State Racing and Wagering Board approved the February 16, 2012 Suffolk Regional Off-Track Betting Corporation request to conduct a handicapping contest at the Racing Forum, 690 Motor Parkway, Hauppauge, NY 11788 on Saturday, March 31, 2012.
29. **WESTERN REGIONAL OTB – REQUEST TO CONDUCT A “BATTLE OF THE BRANCHES” HANDICAPPING CONTEST**  
For entry into the minutes, on January 25, 2012, the New York State Racing and Wagering Board approved the January 10, 2012 application by the Western Regional Off-Track Betting Corporation to conduct the Battle Of The Branches handicapping contest on select days from Wednesday, February 15 through Friday, March 16, 2012.
30. **WESTERN REGIONAL OTB – REQUEST TO CONDUCT THE OTB SUPER SQUARES PROMOTION**  
For entry into the minutes, on January 25, 2012, the New York State Racing and Wagering Board approved the January 10, 2012 application by the Western Regional Off-Track Betting Corporation to conduct the Super Squares Promotion from Wednesday, January 25 through Friday, February 3, 2012 at each of Western Regional Off-Track Betting Corporation’s thirty-one branches.

31. **YONKERS RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2012**

For entry into the minutes, on January 25, 2012, 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 Sam Houston Race Park, Texas through May 19, 2012.

32. For entry into the minutes, on January 25, 2012, 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 Mountaineer Casino and Racetrack, West Virginia from March 2 through December 21, 2012.

33. For entry into the minutes, on February 2, 2012, 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, Delaware through April 12, 2012.

34. For entry into the minutes, on February 16, 2012, 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 the Japan Racing Association programs included as simulcasts in the Woodbine Entertainment Group program for the calendar year 2012.

35. For entry into the minutes, on February 17, 2012, 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. Freehold Raceway, New Jersey from March 1 through June 30, 2012.
2. Scioto Downs, Ohio from May 10 through September 8, 2012.
3. Hawthorne Race Course, Illinois from February 17 through April 30, 2012.

36. **YONKERS RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**

For entry into the minutes, on January 25, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Northlands Park, Alberta, Canada during the calendar year 2012.

37. For entry into the minutes, on January 25, 2012, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to Penn National Gaming with the following guest sites for the calendar year 2012:

1. Hollywood Casino at Penn National Race Course, Pennsylvania.
2. Sam Houston Race Park, Texas.
3. Rosecroft Raceway, Maryland.
4. Zia Park, New Mexico.
5. Raceway Park, Ohio.
6. Hollywood Casino at Charles Town Races, West Virginia.
7. Beulah Park, Ohio.



38. For entry into the minutes, on January 25, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to Treasure Island, a secondary site associated with the previously approved simulcasts to Nevada Pari-Mutuel Association.
39. For entry into the minutes, on January 25, 2012, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to the following tracks for the calendar year 2012:
  1. 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.
  2. Racing 2 Day, Oregon.
  3. US Off-Track, LLC, Oregon.
  4. Premier Turf Club, LLC, Oregon.
40. For entry into the minutes, on February 2, 2012, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to the following tracks for the calendar year 2012:
  1. Running Aces Harness Park, Minnesota.
  2. Presque Isle Downs, Pennsylvania.
  3. River Downs, Ohio.
41. For entry into the minutes, on February 2, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes for the year 2012 to Ultimate Sports Bar, Ontario, Canada , a secondary site associated with the previously approved simulcasts to WinRac Development, Inc..
42. For entry into the minutes, on February 17, 2012, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to MTP Bets USA, Inc., North Dakota for the calendar year 2012.
43. For entry into the minutes, on February 17, 2012, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to Scioto Downs, Ohio for the calendar year 2012.

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

**1. YONKERS RACEWAY – REQUEST FOR APPROVAL OF 6<sup>TH</sup> PERMIT FOR EXPANSION OF CASINO FACILITY – SITE WORK**

For entry into the minutes, on February 1, 2012, the New York State Racing and Wagering Board approved the issuance of a permit in relation to construction work detailed in the Office of General Services Construction permit dated January 24, 2012. This work is related to the current expansion of the Yonkers Raceway/Empire City facility. This request was approved pursuant to Section 322 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

**2. TIOGA DOWNS – REQUEST TO HOST STAKES RACES DURING 2012**

For entry into the minutes, on February 14, 2012, the New York State Racing and Wagering Board approved the American Racing-Tioga Downs, Inc. request dated January 18, 2012 for approval of the conditions for the following early closing events or stakes to be hosted at Tioga Downs during 2012:

- The 2012 Empire Breeders' Classic
- The Miss Versatility
- Artiscape Open Mare Pace
- Bettor's Delight Open Pace.

**3. VERNON DOWNS – REQUEST TO HOST STAKES RACES DURING 2012**

For entry into the minutes, on February 14, 2012, the New York State Racing and Wagering Board approved the American Racing-Vernon Downs, Inc. request dated January 18, 2012 for approval of the conditions for the following early closing events or stakes to be hosted at Vernon Downs during 2012:

- The 2012 Empire Breeders' Classic
- The Kindergarten Classic
- Credit Winner Open Trot
- Muscle Hill Open Mare Trot.

**4. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR AN ADDITIONAL 30 DAY EXTENSION TO FILE 4TH QUARTER 2011 UNIFORM QUARTERLY REPORT**

For entry into the minutes, on February 16, 2012, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation request for an additional 30-day extension to file their 4<sup>th</sup> quarter December 2011 report, making the report due by March 15, 2012.

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

### **1. NYRA – 2012 RACING OFFICIALS**

Pursuant to Board Rule 4005.1, the New York State Racing and Wagering Board took the following action with regard to the December 8, 2011 request of The New York Racing Association, Inc. to employ various individuals as racing officials for year 2012:

Approved the employment of Ms. Diane Connor (listed as an assistant horse identifier) for the remainder of 2012.

### **2. BUFFALO RACEWAY – 2012 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board granted the Buffalo Trotting Association, Inc. track and simulcast licenses for 2012.

The Board assigned the remainder of the 99 racing programs requested on the dates specified and at the post-times requested. The Board approved the plan relating to Totalisator Room Security (Rule 5100.23[d]) and granted a waiver from compliance with the 72-hour purse distribution requirement (Rule 4118.1[b]).

The Board approved certification pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 318.5 (b) that for 2012, Buffalo Trotting Association, Inc. (the operator of Buffalo Raceway) has been assigned fewer than the required number of pari-mutuel races and pari-mutuel programs but that this assignment was for good cause due to factors beyond the control of the entity or because it would have been uneconomical or impractical for the corporation to be assigned the prescribed number.

The 2012 track and simulcast licenses are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders, and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
  - a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
  - b. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and this must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs"

used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- c. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either jurisdiction with such provisions specifically incorporated into the contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
- d. An SOC I Type II (formerly SAS-70 Type II) audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2012.
- e. Rule 5100.2(b)(1), which requires that the track's totalizator system be in compliance with Rule 5100.24(1)-Independent Monitoring System.

### 3. **SARATOGA HARNESS – 2012 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board granted the Saratoga Harness Racing, Inc. track and simulcast licenses for 2012.

The Board assigned the 169 racing programs requested on the dates specified and at the post-times requested. The Board approved the plan relating to Totalisator Room Security (Rule 5100.23[d]).

The 2012 track and simulcast licenses are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders, and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
  - a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
  - b. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and this must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
  - c. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either jurisdiction with such provisions specifically incorporated into the contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.

- d. An SOC I Type II (formerly SAS-70 Type II) audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2012.
- e. Rule 5100.2(b)(1), which requires that the track's totalizator system be in compliance with Rule 5100.24(1)-Independent Monitoring System.

4. **TIOGA DOWNS – 2012 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board granted the American Racing – Tioga Downs, Inc. track and simulcast licenses for 2012.

The Board assigned the 61 racing programs requested on the dates specified and at the post-times requested. The Board approved the plan relating to Totalisator Room Security (Rule 5100.23[d]) and granted a waiver from compliance with the 72-hour purse distribution requirement (Rule 4118.1[b]).

The 2012 track and simulcast licenses are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders, and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
  - a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
  - b. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and this must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
  - c. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either jurisdiction with such provisions specifically incorporated into the contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
  - d. An SOC I Type II (formerly SAS-70 Type II) audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2012.
  - e. Rule 5100.2(b)(1), which requires that the track's totalizator system be in compliance with Rule 5100.24(1)-Independent Monitoring System.

5. **VERNON DOWNS – 2012 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board granted the American Racing – Vernon Downs, Inc. track and simulcast licenses for 2012.

The Board assigned the 90 racing programs requested on the dates specified and at the post-times requested. The Board approved the plan relating to Totalisator Room Security (Rule 5100.23[d]) and granted a waiver from compliance with the 72-hour purse distribution requirement (Rule 4118.1[b]).

The Board approved certification pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 318.5 (b) that for 2012, American Racing – Vernon Downs, Inc. (the operator of Vernon Downs) has been assigned fewer than the required number of pari-mutuel races and pari-mutuel programs but that this assignment was for good cause due to factors beyond the control of the entity or because it would have been uneconomical or impractical for the corporation to be assigned the prescribed number.

The 2012 track and simulcast licenses are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders, and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
  - a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
  - b. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and this must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
  - c. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either jurisdiction with such provisions specifically incorporated into the contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
  - d. An SOC I Type II (formerly SAS-70 Type II) audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2012.
  - e. Rule 5100.2(b)(1), which requires that the track's totalizator system be in compliance with Rule 5100.24(1)-Independent Monitoring System.

6. **WESTERN REGIONAL OTB/BATAVIA DOWNS – 2012 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board granted the Western Regional Off-Track Betting Corporation simulcast license for 2012 for thirty-four (34) simulcast branches and fourteen (14) E-Z Bet facilities.

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 SOC I Type II (formerly SAS-70 Type II) audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 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 also granted the Batavia Downs track and simulcast licenses for 2012.

The Board assigned the 72 racing programs requested on the dates specified and at the post-times requested.

The Board approved plans relating to the Totalisator Room Security (Rule 5100.23[d]) and granted a waiver from compliance with the 72-hour purse distribution requirement (Rule 4118.1[b]).

The Board approved certification pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 318.5 (b) that for 2012, Western Regional Off-Track Betting Corporation. (the operator of Batavia Downs) has been assigned fewer than the required number of pari-mutuel races and pari-mutuel programs but that this assignment was for good cause due to factors beyond the control of the entity or because it would have been uneconomical or impractical for the corporation to be assigned the prescribed number.

The 2012 Batavia Downs track and simulcast licenses are further conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
  - a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
  - b. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and

this must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- c. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either jurisdiction with such provisions specifically incorporated into the contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
- d. An SOC I Type II (formerly SAS-70 Type II) audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2012.
- e. Rule 5100.2(b)(1), which requires that the track's totalizator system be in compliance with Rule 5100.24(1)-Independent Monitoring System.

**7. FINGER LAKES RACETRACK – 2012 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board granted the Finger Lakes Racing Association, Inc. track and simulcast licenses for 2012.

The Board assigned the 163 racing programs requested on the dates specified and at the post-times requested. The Board approved the plan relating to Totalisator Room Security (Rule 5100.23[d]).

The 2012 track and simulcast licenses are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders, and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
  - a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
  - b. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and this must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.



- c. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either jurisdiction with such provisions specifically incorporated into the contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
- d. An SOC I Type II (formerly SAS-70 Type II) audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2012.
- e. Rule 5100.2(b)(1), which requires that the track's totalizator system be in compliance with Rule 5100.24(1)-Independent Monitoring System.

**8. YONKERS RACEWAY – 2012 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board assigned to Yonkers Raceway the race dates requested for the months of March 2012 and April 2012 only.

**9. MONTICELLO RACEWAY – 2012 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board assigned to Monticello Raceway the race dates requested for the months of March 2012 and April 2012 only.

**10. BATAVIA DOWNS – REQUEST TO WITHDRAW \$20,413.77 FROM CIF**

The New York State Racing and Wagering Board approved Batavia Downs' request to withdraw \$20,413.77 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditure:

**Backstretch (100%)**

Barn Demolition	<u>\$ 20,413.77</u>
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<b>Total Approved</b>	<b><u>\$ 20,413.77</u></b>
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**11. BUFFALO RACEWAY – REQUEST TO WITHDRAW \$20,000.00 FROM CIF**

The New York State Racing and Wagering Board approved Buffalo Raceway's request to withdraw \$20,000.00 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditure:

**Other (100%)**

New Infield Toteboard	<u>\$ 20,000.00</u>
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<b>Total Approved</b>	<b><u>\$ 20,000.00</u></b>
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**12. SARATOGA HARNESS – REQUEST TO WITHDRAW \$44,978.00 FROM CIF**

The New York State Racing and Wagering Board approved Saratoga Raceway's request to withdraw \$44,978.00 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditure:

Tote Board

**Previous Board Approvals:**

Amount Approved - 09/29/2008	\$ 95,379.33
Amount Approved - 02/26/2009	30,335.17
Amount Approved - 01/28/2010	63,755.64
Amount Approved - 02/24/2011	<u>60,148.97</u>
	<u>\$ 249,619.11</u>

Amount Requested – 01/17/2012	<u>\$ 44,978.00</u>
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**Total Approved** \$ 44,978.00

13. **WESTERN REGIONAL OTB – REQUEST APPROVAL OF RE-APPOINTMENT OF CHAIRMAN AND APPOINTMENT OF VICE CHAIRMAN TO BOARD OF DIRECTORS**  
The New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation’s request to amend their Plan of Operation to reflect the re-election of Director Richard D. Bianchi as Chairman and the election of Director Thomas Wamp as Vice Chairman of Western Regional Off-Track Betting Corporation’s Board of Directors.
14. **WESTERN REGIONAL OTB – REQUEST TO CHANGE TELETHEATER AT 1201 MAIN STREET, NIAGARA FALLS TO A BRANCH FACILITY**  
The New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation’s request to remit its Teletheater license for its Niagara Falls location to the New York State Racing and Wagering Board and to amend its plan of operation to reflect the operation of this location as a branch.
15. **CATSKILL REGIONAL OTB – REQUEST TO INSTALL SELF-ACTIVATED BETTING TERMINALS (STANs) AT GEORGIE O’S – HYDE PARK**  
The New York State Racing and Wagering Board approved an amendment to the Catskill Regional Off-Track Betting Corporation simulcast plan of operation authorizing the operation of a simulcast facility located in Georgie O’s, 787 Violet Avenue, Hyde Park, New York.
16. **SUFFOLK REGIONAL OTB – NEW QWIK BET – FOUNDERS TAVERN – SOUTHOLD**  
The New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation simulcast plan of operation authorizing the operation of a Qwik Bet simulcast facility located in Founders Tavern, 55500 Main Road, Southold, NY.

17. **WESTERN REGIONAL OTB – NEW EZ-BET – PAGE’S GRILL & BAR – DEPEW**  
The New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation simulcast plan of operation authorizing the operation of an EZ Bet simulcast facility located in Page's Grill & Bar, 4725 Transit Road, Depew, NY.
18. **SUFFOLK REGIONAL OTB – NEW QWIK BET – HEALY’S INN - GREENLAWN**  
The New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation simulcast plan of operation authorizing the operation of a Qwik Bet simulcast facility located in Healy's Inn, 54 Broadway, Greenlawn, NY.
19. **SUFFOLK REGIONAL OTB – NEW QWIK BET – SAVINO’S SIT DOWN DELI – DEER PARK**  
The New York State Racing and Wagering Board deferred action on this item.
20. **CONSENSUS RULEMAKING – AMENDMENT OF HORSE RACING RULES PURSUANT TO MARRIAGE EQUALITY ACT OF 2011**  
The New York State Racing and Wagering Board approved the proposed consensus rulemaking to amend Sections 4002.14(b), 4100.1(a)(44), 4102.3(d), 4205.6(b) and 4205.1(g) of the Board’s rules in thoroughbred, harness and quarterhorse racing to remove any references in the Board rules that could give the appearance of unequal treatment of persons in marriage situations. The amendments add gender neutral terms when referring to licensees or applicants and are made in order to conform with the Marriage Equality Act of 2011.
21. **BOARD DIRECTIVE – NUMBER OF BETTING INTERESTS IN HARNESS SUPERFECTAS**  
The New York State Racing and Wagering Board approved the issuance of a directive concerning the required minimum number of betting interests for the conduct of superfecta wagering in harness races. The Board reduced the minimum number of betting interests required for the conduct of superfecta wagering from eight (8) programmed betting interests (with the ability to conduct the wager with seven (7) in the event of a late scratch after the horses have left the paddock) to a required minimum of a straight seven (7) required betting interests to be carded and started.
22. **NOTICE OF ADOPTION – AMENDMENT OF BUTE 48-HOUR RULE**  
The New York State Racing and Wagering Board approved amendments to Sections 4043.2(d) (thoroughbred) and 4120.2(d) (harness) of 9 NYCRR. These amendments revise the time/threshold administration rules for phenylbutazone by deleting the current 24-hour administration provision and preserving a single 48-hour standard for the administration of Bute.

23. **IN THE MATTER OF DEBORAH A. BORDIERI**  
The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the harness racing groom's license of Deborah A. Bordieri be revoked based upon a positive human drug test in violation of Board Rule 4119.11 and her failure to comply with the terms of her Consent to Conditions for Reinstatement.
24. **IN THE MATTER OF SHAWN BARKER**  
The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the harness trainer's license of Shawn Barker be revoked based upon a positive human drug test in violation of Board Rule 4119.11 and the terms of Mr. Barker's voluntary license surrender agreement.
25. **IN THE MATTER OF FELIX O. MONSERRATE**  
The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the thoroughbred trainer's license of Felix O. Monserrate be revoked, that he be fined \$2,500 and that Mr. Monserrate be prohibited from obtaining a new license for the period of two (2) years from the date of revocation based upon possession of hypodermic syringes, injectible vitamin K, and injectible clenbuterol on the grounds of Finger Lakes Racetrack on April 15, 2011 in violation of Board Rule 4012.1.
26. **IN THE MATTER OF MARK D. BECKWITH**  
The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the forty-five (45) day license suspension and \$1,500 fine of Mark D. Beckwith for kicking "Paradise Willie", in violation of Board Rule 4117.8(c), during the 8<sup>th</sup> race at Saratoga Raceway on April 23, 2011 be upheld.

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

1. **INDIAN GAMING/LICENSING STATISTICS**  
Licensing statistics for January 1, 2012 through January 31, 2012. 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 January 31, 2012 since January 1, 2012 were as follows: total receipts 1,348 and total licenses 984 for the year 2012.
3. **GAMES OF CHANCE/BELL JAR TICKETS**  
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between January 1, 2012 and January 31, 2012.

4. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**  
List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from January 5, 2012 through February 7, 2012.
5. **2012 LICENSED SUPPLIERS**  
List of licensed suppliers - manufacturers' and distributors' licenses issued for the time period of January 1, 2012 through January 31, 2012.
6. **TIOGA DOWNS – 2011 ANNUAL “WINNERS CIRCLE REWARDS PROGRAM” REPORT**  
On August 24, 2006, the Racing and Wagering Board approved the American Racing – Tioga Downs, Inc. request for offering promotional cash awards to players. This program known as the “Winners Circle Rewards Program” began in October 2006.  
  
As part of the Board’s approval, Tioga Downs is required to submit written reports concerning the player rewards program. The current 2011 annual report was filed on January 5, 2012.
7. **VERNON DOWNS – 2011 ANNUAL “WINNERS CIRCLE REWARDS PROGRAM” REPORT**  
On August 24, 2006, the Racing and Wagering Board approved the American Racing – Vernon Downs, Inc. request for offering promotional cash awards to players. This program known as the “Winners Circle Rewards Program” began in October 2006.  
  
As part of the Board’s approval, Vernon Downs is required to submit written reports concerning the player rewards program. The current 2011 annual report was filed on January 5, 2012.
8. **SUFFOLK REGIONAL OTB – ONE YEAR RENEWAL OF QWIK BET AGREEMENT – T.C. JR., dba CAVANAUGH’S PUB**  
Pursuant to paragraph “Fifteenth” and “Seventeenth” of the Suffolk Regional Off-Track Betting Corporation Qwik Bet Agreement, T.C JR., dba Cavanaugh’s Pub elected to renew their agreement for an additional year.

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

None.

**The meeting adjourned at 3:22 p.m.**