



**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF FEBRUARY 24, 2011**

**A meeting of the New York State Racing and Wagering Board was held on Thursday, February 24, 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 2:08 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  
James Kellogg, Audits & Investigations  
Gail Pronti, Secretary to the Board

**Also in Attendance Were:**

Kenneth Council, Director of Administration  
Joseph Mahoney, NYSR&WB  
Nicole Robilotto, Director of Licensing  
Kristen Buckley, NYSR&WB  
Vivian Davis, NYSR&WB  
John Googas, NYSR&WB  
Mark Stuart, NYSR&WB  
Thomas Milici  
Michael Amo  
Thomas Spring, Capital OTB  
Jim Crane, CCG  
Paul Post, Saratogian  
Michael Croateau

The Board noted the retirement of Gail Pronti, Secretary to the Board, and expressed appreciation for her service.

**OPEN COMMENT PERIOD: Began: 2:08 p.m. Ended: 2:17 p.m.**

Thomas Milici addressed the Board taking responsibility for and apologizing for his license revocation. He informed the Board of his rehabilitation efforts and asked that these statements be taken into consideration when reviewing his license re-application.

Comments were also received from Jackson Leeds via e-mail.

No further comments were made.

**A.** The Board approved the minutes of the Board meeting held on January 27, 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 January 31, 2011, the New York State Racing and Wagering Board approved an amendment to the Buffalo Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Freehold Raceway, New Jersey from February 1 through February 28, 2011.

Approval was also provided for this simulcast through December 31, 2011 conditioned upon:

1. Issuance of consent by the Standardbred Breeders & Owners Association of New Jersey, Inc. (SBOA) for the simulcasting for the relevant period; and
  2. Filing of the SBOA consent with the Board prior to the start of the relevant period.
2. For entry into the minutes, on February 4, 2011, the New York State Racing and Wagering Board approved an amendment to the Buffalo Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Hawthorne Racecourse, Illinois through April 30, 2011.
  3. **BUFFALO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on February 2, 2011, the New York State Racing and Wagering Board approved the Buffalo Raceway request to simulcast its harness racing programs for wagering purposes to Source One Technologies, North Dakota through July 24, 2011.

4. **CAPITAL DISTRICT REGIONAL OTB – FEBRUARY 2011 PROMOTIONS**  
For entry into the minutes, on January 27, 2011, the New York State Racing and Wagering Board approved the January 20, 2011 application, as amended on January 25, 2011, by the Capital District Regional Off-Track Betting Corporation to conduct the specified handicapping contests and promotion events during February 2011.
5. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO HOLD WINTER CHALLENGE HANDICAPPING CONTEST**  
For entry into the minutes, on January 27, 2011, the New York State Racing and Wagering Board approved the January 18, 2011 application by the Capital District Regional Off-Track Betting Corporation to conduct the Winter Challenge Handicapping Contest on Saturday, March 19 and Sunday, March 20, 2011 in the Capital Room at the Albany Teletheater.
6. **CATSKILL REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on February 9, 2011, the New York State Racing and Wagering Board approved amendments 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 Northville Downs, Michigan for the calendar year 2011.
7. **FINGER LAKES RACETRACK – REQUEST TO OFFER \$2,500 HANDICAPPING CHALLENGE**  
For entry into the minutes, on February 9, 2011, the New York State Racing and Wagering Board approved the January 28, 2011 Finger Lakes Racing Association, Inc. request to conduct the \$2500 Finger Lakes Handicapping Challenges on Saturday, February 12, 2011, Saturday, March 5, 2011, and Saturday, March 19, 2011 with the finals being held Saturday, April 9, 2011.
8. **FINGER LAKES RACETRACK – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on January 31, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Finger Lakes Racing Association, Inc. authorizing the simulcast for wagering purposes of races from Yonkers Raceway, New York for the calendar year 2011.
9. For entry into the minutes, on February 9, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Finger Lakes Racing Association, Inc. authorizing the simulcast for wagering purposes of races from Saratoga Casino and Raceway, New York for the calendar year 2011.
10. **MONTICELLO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on January 31, 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 Freehold Raceway, New Jersey from February 1 through February 28, 2011.

Approval was also provided for this simulcast through December 31, 2011 conditioned upon:

1. Issuance of consent by the Standardbred Breeders & Owners Association of New Jersey, Inc. (SBOA) for the simulcasting for the relevant period; and
  2. Filing of the SBOA consent with the Board prior to the start of the relevant period.
11. For entry into the minutes, on February 9, 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 Saratoga Casino and Raceway, New York for the calendar year 2011.
12. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on January 31, 2011, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its harness racing programs for wagering purposes for the year 2011 to the following secondary sites associated with the previously approved simulcasts to ebet Technologies:
1. [www.mutuelsonline.com](http://www.mutuelsonline.com)
  2. [www.Idabet.com](http://www.Idabet.com).
13. **NASSAU REGIONAL OTB – REQUEST TO OFFER NEW WAGERING ACCOUNTS PROMOTION**  
For entry into the minutes, on January 26, 2011, the New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request to amend its plan of operation for conduct of the \$50 deposit promotion to new account holders described in its January 7, 2011 letter, with amended dates of February 1 through February 28, 2011.
14. **NASSAU REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on February 9, 2011, the New York State Racing and Wagering Board approved amendments to the plans of operation of Nassau, Capital, Catskill, Suffolk, and Western Regional off-track betting corporations authorizing the simulcast for wagering purposes of races from Hawthorne Race Course, Illinois through April 30, 2011.
15. For entry into the minutes, on February 10, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Nassau Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from the Saratoga Casino and Raceway, New York for the calendar year 2011.
16. **NYRA – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on January 31, 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 Yonkers Raceway, New York for the calendar year 2011.

17. For entry into the minutes, on February 9, 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 Hawthorne Racecourse, Illinois through April 30, 2011.
18. For entry into the minutes, on February 10, 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 the following Monarch Content Management, LLC tracks:
  1. Gulfstream Park, Florida through April 24, 2011
  2. Laurel Park, Maryland through March 31, 2011
  3. Golden Gate Fields, California through June 30, 2011
  4. Santa Anita Park, California through April 17, 2011
  5. Portland Meadows, Oregon through March 30, 2011.
19. **NYRA – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on January 31, 2011, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes to the following tracks:
  1. Hawthorne Race Course (with thirty [30] secondary sites), Illinois from February 1 through February 28, 2011
  2. Turfway Park (with nine [9] secondary sites), Kentucky from February 1 through December 31, 2011.
20. For entry into the minutes, on February 1, 2011, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes for the year 2011 to the following secondary sites associated with the previously approved simulcasts to Nevada Pari-Mutuel Association:
  1. Cantor Gaming d/b/a Tropicana Las Vegas Race and Sports Book
  2. Cantor Gaming d/b/a Cosmopolitan of Las Vegas Race and Sports Book.
21. For entry into the minutes, on February 1, 2011, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes for the year 2011 to the following secondary sites associated with the previously approved simulcasts to ebet Technologies:
  1. [www.mutuelsonline.com](http://www.mutuelsonline.com)
  2. [www.Idabet.com](http://www.Idabet.com).
22. For entry into the minutes, on February 1, 2011, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes through February 6, 2011 to ODS Technologies, L.P. d/b/a TVG Network.

23. For entry into the minutes, on February 1, 2011, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes for the year 2011 to Primo's d'Italia as an additional secondary site associated with the previously approved simulcasts to Remington Park, Oklahoma.
24. For entry into the minutes, on February 4, 2011, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes through February 14, 2011 to Monarch Content Management, LLC which includes the following entities:
  1. Golden Gate Fields
  2. Gulfstream Park
  3. Laurel Park
  4. Lone Star Park
  5. Portland Meadows
  6. Santa Anita Park
  7. Xpress Bet
  8. Global Wagering Systems.
25. For entry into the minutes, on February 10, 2011, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes during 2011 to Churchill Downs Incorporated for the following specified entities:
  1. Arlington Park (with thirty-one [31] secondary sites), Illinois
  2. Calder Race Course (with twenty-five [25] secondary sites), Florida
  3. Churchill Downs (with twelve [12] secondary sites), Kentucky
  4. Fair Grounds Race Course (with eleven [11] secondary sites), Louisiana
  5. Hoosier Park (with three [3] secondary sites), Indiana
  6. The Meadows (with five [5] secondary sites), Pennsylvania
  7. Oaklawn Park, Arkansas
  8. Twin Spires ADW, Kentucky.
26. For entry into the minutes, on February 11, 2011, the New York State Racing and Wagering Board approved the New York Racing Association request to simulcast its thoroughbred racing programs for wagering purposes through February 20, 2011 to ODS Technologies, L.P. d/b/a TVG Network.
27. **SARATOGA HARNESS – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on January 26, 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 for the calendar year 2011 from:
  1. Flamboro Downs, Ontario
  2. Georgian Downs, Ontario.

28. For entry into the minutes, on February 4, 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 Freehold Raceway, New Jersey through February 28, 2011.

Approval was also provided for this simulcast through December 31, 2011 conditioned upon:

1. Issuance of consent by the Standardbred Breeders & Owners Association of New Jersey, Inc. (SBOA) for the simulcasting for the relevant period; and
  2. Filing of the SBOA consent with the Board prior to the start of the relevant period.
29. For entry into the minutes, on February 4, 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 Hawthorne Racecourse, Illinois through April 30, 2011.
30. For entry into the minutes, on February 9, 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 Ajax Downs, Ontario, Canada for the calendar year 2011.
31. **SUFFOLK REGIONAL OTB – REQUEST TO CONDUCT MARCH HANDICAPPING CONTEST**  
For entry into the minutes, on January 27, 2011, the New York State Racing and Wagering Board approved the January 13, 2011 Suffolk Regional Off-Track Betting Corporation request to conduct a handicapping contest at the Racing Forum, 690 Motor Parkway, Hauppauge, N.Y. 11788 on Saturday, March 26, 2011.
32. **TIOGA DOWNS – REQUEST TO HOST STAKES RACES DURING 2011**  
For entry into the minutes, on February 2, 2011, the New York State Racing and Wagering Board approved the American Racing-Tioga Downs, Inc. request dated January 5, 2011 for approval of the conditions for the following early closing events or stakes to be hosted at Tioga Downs during 2011:
- The 2011 Empire Breeders' Classic
  - The Miss Versatility
  - Artiscap Open Mare Pace
  - Bettor's Delight Open Pace.
33. **TIOGA DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on January 31, 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 Freehold Raceway, New Jersey from February 1 through February 28, 2011.

Approval was also provided for this simulcast through December 31, 2011 conditioned upon:

1. Issuance of consent by the Standardbred Breeders & Owners Association of New Jersey, Inc. (SBOA) for the simulcasting for the relevant period; and
2. Filing of the SBOA consent with the Board prior to the start of the relevant period.

34. **VERNON DOWNS – REQUEST TO HOST STAKES RACES DURING 2011**

For entry into the minutes, on February 2, 2011, the New York State Racing and Wagering Board approved the American Racing-Vernon Downs, Inc. request dated January 5, 2011 for approval of the conditions for the following early closing events or stakes to be hosted at Vernon Downs during 2011:

- The 2011 Empire Breeders' Classic
- The Miss Versatility
- The Kindergarten Classic
- Credit Winner Open Trot
- Muscle Hill Open Mare Trot.

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

For entry into the minutes, on January 31, 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 Freehold Raceway, New Jersey from February 1 through February 28, 2011.

Approval was also provided for this simulcast through December 31, 2011 conditioned upon:

1. Issuance of consent by the Standardbred Breeders & Owners Association of New Jersey, Inc. (SBOA) for the simulcasting for the relevant period; and
2. Filing of the SBOA consent with the Board prior to the start of the relevant period.

36. **WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO OFFER OTB SUPER BOWL SQUARES PROMOTION**

For entry into the minutes, on January 27, 2011, the New York State Racing and Wagering Board approved the January 10, 2011 application by the Western Regional Off-Track Betting Corporation to conduct the Super Squares Promotion from Monday, January 31 through Friday, February 4, 2011 at each of Western Regional Off-Track Betting Corporation's thirty-five branches and nine E-Z Bet locations.



37. **WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO OFFER BATTLE OF THE BRANCHES HANDICAPPING CONTEST**  
For entry into the minutes, on January 27, 2011, the New York State Racing and Wagering Board approved the January 24, 2011 application by the Western Regional Off-Track Betting Corporation to conduct the Battle of the Branches handicapping contest on select days from Wednesday, February 9 through Wednesday, March 9, 2011.
38. **WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO OFFER VALENTINE SWEETHEART DEAL**  
For entry into the minutes, on January 31, 2011, the New York State Racing and Wagering Board approved the January 24, 2011 application by the Western Regional Off-Track Betting Corporation to conduct the Valentine Sweetheart Deal promotion from Monday, February 14 through Friday, February 18, 2011 at each of Western Regional Off-Track Betting Corporation’s thirty-five branches.
39. **WESTERN REGIONAL OTB/BATAVIA DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on February 9, 2011, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Western Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Saratoga Casino and Raceway, New York for the calendar year 2011.
40. For entry into the minutes, on February 9, 2011, the New York State Racing and Wagering Board approved an amendment to the simulcast plan of operation of Batavia Downs authorizing the simulcast for wagering purposes of races from Saratoga Casino and Raceway, New York for the calendar year 2011.
41. **YONKERS RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on January 27, 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. Delta Downs, Louisiana through March 26, 2011
  2. Turfway Park, Kentucky through April 3, 2011
  3. Charles Town Races, West Virginia for the calendar year 2011
  4. Laurel Park, Maryland through March 31, 2011.
42. For entry into the minutes, on January 31, 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 Will Rogers Downs, Oklahoma through May 7, 2011.

43. For entry into the minutes, on January 31, 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 for the calendar year 2011 from:
  1. Mountaineer Race Track, West Virginia
  2. Northville Downs, Michigan.
44. For entry into the minutes, on February 2, 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 Turf Paradise, Arizona through May 8, 2011.
45. For entry into the minutes, on February 3, 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 Freehold Raceway, New Jersey through February 28, 2011.

Approval was also provided for this simulcast through December 31, 2011 conditioned upon:

1. Issuance of consent by the Standardbred Breeders & Owners Association of New Jersey, Inc. (SBOA) for the simulcasting for the relevant period; and
  2. Filing of the SBOA consent with the Board prior to the start of the relevant period.
46. For entry into the minutes, on February 9, 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 Hawthorne Racecourse, Illinois through April 30, 2011.
  47. For entry into the minutes, on February 9, 2011, the New York State Racing and Wagering Board approved an amendment to the simulcast plan of operation of Yonkers Raceway authorizing the simulcast for wagering purposes of races from Saratoga Casino and Raceway, New York for the calendar year 2011.
  48. **YONKERS RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2011**  
For entry into the minutes, on January 26, 2011, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to the following tracks for the calendar year 2011:
    1. Pocono Downs (with four [4] secondary sites), Pennsylvania
    2. Ocean Downs (with one [1] secondary site), Maryland
    3. Maywood Park, Illinois
    4. Balmoral Park, Illinois.

49. For entry into the minutes, on January 31, 2011, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Freehold Raceway, New Jersey for the calendar year 2011.
50. For entry into the minutes, on January 31, 2011, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to the New York Racing Association, New York through December 31, 2011.
51. For entry into the minutes, on February 1, 2011, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to the following Atlantic City Casinos, New Jersey for the calendar year 2011:
  1. The Borgata Hotel Casino & Spa Resort
  2. Trump Taj Mahal Casino Resort
  3. Harrah's Resort Atlantic City
  4. Bally's Atlantic City
  5. Caesar's Atlantic City.
52. For entry into the minutes, on February 1, 2011, 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 2011 to the following secondary sites associated with the previously approved simulcasts to Nevada Pari-Mutuel Association:
  1. Cantor Gaming d/b/a Tropicana Las Vegas Race and Sports Book
  2. Cantor Gaming d/b/a Cosmopolitan of Las Vegas Race and Sports Book.
53. For entry into the minutes, on February 2, 2011, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Source One Technologies, North Dakota for the calendar year 2011.
54. For entry into the minutes, on February 7, 2011, 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 2011 to the following secondary sites associated with the previously approved simulcasts to ebet Technologies:
  1. [www.mutuelsonline.com](http://www.mutuelsonline.com)
  2. [www.Idabet.com](http://www.Idabet.com).
55. For entry into the minutes, on February 9, 2011, 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 2011 to Sunset Station, Inc. d/b/a/ Sunset Station Hotel and Casino a secondary site associated with the previously approved simulcasts to Nevada Pari-Mutuel Association.

56. For entry into the minutes, on February 9, 2011, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to the following tracks for the calendar year 2011:
  1. Laurel Park (with four [4] secondary sites), Maryland
  2. Scioto Downs, Ohio
  3. Running Aces Harness Park, Minnesota
  4. Presque Isle Downs, Pennsylvania
  5. Canterbury Park, Minnesota.

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

**1. NYRA – REQUEST FOR APPROVAL OF RACING OFFICIALS – VETERINARIANS**

For entry into the minutes, pursuant to Board Rule 4005.1, on January 25, 2011, the New York State Racing and Wagering Board approved the December 13, 2010 request of the New York Racing Association, Inc., as amended on January 24, 2011, to employ the following four (4) veterinarians during 2011 for purposes of NYRA's furosemide administration program, except in the case of Dr. Barrack who may also serve as a fill-in NYRA examining veterinarian:

- Dr. Lotus Altholtz
- Dr. Melissa Grech
- Dr. Carolyn Kondra
- Dr. Rachel Barrack.

**2. CAPITAL DISTRICT REGIONAL OTB – NEW RENSSELAER COUNTY OTB BRANCH LOCATION**

For entry into the minutes, on February 9, 2011, 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 operation of a simulcast location at 308 Columbia Turnpike, Rensselaer, New York. This location will replace the location at 166 Columbia Turnpike, Rensselaer, New York.

**3. VERNON DOWNS – REQUEST TO BEGIN SITE WORK ON HOTEL EXPANSION**

For entry into the minutes, on February 9, 2011, the New York State Racing and Wagering Board approved the American Racing-Vernon Downs, Inc. request for a Racing, Pari-Mutuel Wagering and Breeding Law Section 322 permit for the remainder of the construction of the Hotel Expansion project. The approval was granted for construction as specified in the plans submitted to the Board and the building permit issued by the Town of Vernon.

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

**1. SARATOGA HARNESS – 2011 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board assigned to Saratoga Casino and Raceway the race dates requested for the month of March 2011 only.

**2. TIOGA DOWNS – 2011 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board granted the American Racing – Tioga Downs, Inc. track and simulcast licenses for 2011.

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 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]).

American Racing-Tioga Downs, Inc. was assigned fewer than the minimum number of programs and races prescribed in Racing, Pari-Mutuel Wagering and Breeding Law Section 307.5-a. The Board found that the assignment of the lesser number was for good cause shown due to factors beyond the control of the corporations and upon consent of the representative horsemen's association.

The 2011 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 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 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 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, 2011.
- 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. **WESTERN REGIONAL OTB – REQUEST FOR APPROVAL OF NEW PRESIDENT AND CEO - KANE**

The New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation plan of operation to reflect the appointment of Michael D. Kane as President and Chief Executive Officer of Western Regional Off-Track Betting Corporation effective March 1, 2011.

This approval was conditioned upon satisfactory results based on the return of Mr. Kane's pending fingerprint based criminal history returns.

4. **WESTERN REGIONAL OTB/BATAVIA DOWNS - REQUEST TO DEMOLISH REMAINING DILAPIDATED STABLE AND REPLACE WITH NEW FENCING**

Pursuant to Section 322 of the New York State Racing and Wagering, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board approved the request for the demolition of an unused stable building at Batavia Downs and the erection of fencing, which would be similar to that used on the remainder of the track, to replace this structure.

5. **BATAVIA DOWNS/WESTERN REGIONAL OTB - REQUEST TO WITHDRAW \$21,059.23 FROM CIF**

The New York State Racing and Wagering Board approved the Batavia Downs request to withdraw \$21,059.23 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditure:

**Backstretch (100%)**

New 6140 D Tractor	<u>\$ 21,059.23</u>
--------------------	---------------------

Total Approved	<u>\$ 21,059.23</u>
----------------	---------------------

6. **SARATOGA HARNESS – REQUEST TO WITHDRAW \$60,148.97 FROM CIF**

The New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to withdraw \$60,148.97 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

Original Submission – 8/26/2008:

Other (100%)

Construction and Installation of Tote Board \$ 294,597.16

Total Other \$ 294,597.16

Amount Reimbursed – 09/29/2008 \$ 95,379.33

Amount Reimbursed – 02/26/2009 30,335.17

Amount Reimbursed – 01/28/2010 63,755.64

\$ 189,470.14

Total Approved \$ 60,148.97

7. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO AMEND PLAYER REWARDS PROGRAM**

The New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation request to modify its Player Rewards Program (Capital OTB Cash Rewards Program) to allow members who have accumulated \$250 or more in cash rewards during a month to request funding of such rewards prior to the end of the month, as specified in the January 27, 2011 application and attachments.

8. **SARATOGA HARNESS RACING, INC. – REQUEST TO OFFER TELLER STAFFED WAGERING AT THE LODGE RESTAURANT**

The New York State Racing and Wagering Board deferred the February 9, 2011 Saratoga Harness request to make wagering available with teller staffed locations at the Lodge Restaurant located on the Saratoga harness track property at the corner of Nelson and Crescent Avenues.

9. **IN THE MATTER OF JOHN P. CUMMINGS, SR.**

The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Clemente J. Parente that the harness racing owner-trainer-driver licenses of John P. Cummings, Sr. be revoked and that he not be permitted to re-apply or obtain a license for a period of five (5) years. This results from a summary suspension by the Board on October 13, 2010 in relation to charges that on October 9, 2010, Mr. Cummings injected drugs in a horse that was entered to race at Batavia Downs and possessed hypodermic equipment on the grounds of Batavia Downs, in violation of Board Rules 4120.2, 4120.4, and 4120.6.

10. **IN THE MATTER OF DIANE MCKAY**

The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Clemente J. Parente that the thoroughbred racing owner license of Diane McKay be revoked and that she not be permitted to apply for or obtain a license for a period of one (1) year. This results from a summary suspension by the Board on December 17, 2010 in relation to charges that at Finger Lakes Racetrack on December 3, 2010, she attempted to provide a false human urine specimen and was present on the grounds of a race track with a controlled substance in her system, in violation of Board Rules 4042.1(f) and 4042.5(a) and (b).

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

### **1. VOLUNTEER EXCLUSION FROM RACETRACKS AND OTBs AND RESTRICTIONS ON TELEPHONE ACCOUNT WAGERING**

Staff asked all the NYS OTBs and Racetracks to provide a list of how many people had voluntarily excluded themselves from the OTB or Racetrack or placed limits on the amounts of wagers on their accounts. These results were provided.

### **2. INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for January 1, 2011 through January 31, 2011. Also included are the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.

### **3. LICENSING/CURRENT LICENSE COUNT**

The current racing licensing counts as of January 31, 2011 since January 1, 2011 were as follows: total receipts 1,175 and total licenses 676 for the year 2011.

### **4. GAMES OF CHANCE/BELL JAR TICKETS**

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between January 1, 2011 and January 31, 2011.

### **5. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from January 13, 2011 through February 7, 2011.

### **6. 2010 LICENSED SUPPLIERS**

There were two temporary supplier licenses issued for the time period of January 1 through January 31, 2011. One was for bingo and the other for games of chance.

### **7. TIOGA DOWNS – EFFECT OF TAKEOUT DECREASE**

On March 25, 2010, the New York State Racing and Wagering Board approved the request by American Racing-Tioga Downs Inc. (Tioga Downs) to lower takeout rates in all pools.

By letter dated February 9, 2011, Tioga Downs submitted its report of the impact of the takeout decrease. Tioga Downs reported handle increases in all pools: regular handle increased 6.77%, multiple handle increased 5.69% and exotic handle increased 11.19%. Overall, handle on Tioga Downs' races increased \$473,096 or 7.9%, from \$5,990,780 in 2009 to \$6,463,876 in 2010.

However, Tioga Downs reported a decrease of \$67,371 (or 13.73 %) in revenue, from \$490,817 in 2009 to \$423,445 in 2010.



8. **NASSAU REGIONAL OTB – 2010 FOURTH QUARTER PLAYER REWARDS RESULTS**

On March 7, 2008, the Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request for offering promotional cash awards to players. This program was made available to Nassau players in October 2008.

The Nassau Regional Off-Track Betting Corporation submitted the required player rewards program reports for the fourth quarter (October - December) of 2010.

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

None.

**The meeting adjourned at 2:42 p.m.**