



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF MARCH 28, 2012**

A meeting of the New York State Racing and Wagering Board was held on Wednesday, March 28, 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 2:10 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
Stacy Harvey, NYSR&WB
Mark Stuart, NYSR&WB
Rick Goodell, NYSR&WB
William Sekellick, NYSR&WB
John Kenefick, Albany Law School
Michael Roth
Mark McCormick, Jockey
Robert Hemsworth, Capital OTB

OPEN COMMENT PERIOD: Began: 2:10 p.m. Ended: 2:10 p.m.

Comments were received from Jackson Leeds and Brian O'Neill 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 February 29, 2012.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. BATAVIA DOWNS – REQUEST TO CHANGE POST-TIME FOR EVENING RACE CARDS FOR THE 2012 LIVE RACING SEASON

For entry into the minutes, on March 6, 2012, the New York State Racing and Wagering Board approved the Batavia Downs request by letter dated February 29, 2012 to change their post-time for evening cards during their 2012 live racing season from 6:40 p.m. to 6:25 p.m.

2. BUFFALO RACEWAY – REQUEST TO CONDUCT ADDITIONAL RACE DATE ON APRIL 5, 2012

For entry into the minutes, on March 19, 2012, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request by letter dated March 5, 2012 to conduct one additional race date on Thursday, April 5, 2012.

3. BUFFALO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012

For entry into the minutes, on March 16, 2012, the New York State Racing and Wagering Board approved the Buffalo Trotting Association's request to simulcast its harness racing programs for wagering purposes to Lebanon Raceway, Ohio through July 22, 2012.

4. CAPITAL DISTRICT REGIONAL OTB – MARCH 2012 PROMOTIONS

On February 28, 2012, the New York State Racing and Wagering Board approved the February 21, 2012 application by the Capital District Regional Off-Track Betting Corporation to conduct the specified handicapping contests and promotion events for March, 2012.

5. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT A MEGA MARCH MADNESS “CRAZY EIGHTS” PROMOTION

For entry into the minutes, on February 29, 2012, the New York State Racing and Wagering Board approved the February 27, 2012 application by the Capital District Regional Off-Track Betting Corporation to conduct a Mega March Madness “Crazy Eights” promotion from Tuesday, March 13 through Friday, March 16, 2012 with the Grand Prize drawing to be held on Saturday, March 24, 2012 at the Clubhouse Race Book.

6. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO AMEND LIVE BANKROLL SYNDICATE BLANKET APPROVAL**
For entry into the minutes, on March 6, 2012, the New York State Racing and Wagering Board approved the March 2, 2012 application by the Capital District Regional Off-Track Betting Corporation to amend their Live Bankroll Syndicate Blanket Approval previously approved by the Board on February 23, 2012.
7. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT THE CLUBHOUSE RACE BOOK “SWEET SIXTEEN” GIVEAWAY**
For entry into the minutes, on March 21, 2012, the New York State Racing and Wagering Board approved the March 13, 2012 application by the Capital District Regional Off-Track Betting Corporation to conduct the “Sweet Sixteen Giveaway” at the Clubhouse Race Book on Thursday, March 22, 2012.
8. **FINGER LAKES RACETRACK – REQUEST TO CONDUCT THE FINALS OF THE \$2,500 HANDICAPPING CHALLENGES**
For entry into the minutes, on March 16, 2012, the New York State Racing and Wagering Board approved the March 14, 2012 application by the Finger Lakes Racing Association, Inc. to conduct the finals of the \$2,500 Finger Lakes Handicapping Challenges on Saturday, April 14, 2012.
9. **MONTICELLO RACEWAY – REQUEST TO CONDUCT THE NORTH AMERICAN AMATEUR DRIVERS ASSOCIATION SERIES IN CONJUNCTION WITH YONKERS RACEWAY**
For entry into the minutes, on March 6, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request by letter dated February 21, 2012 for permission to conduct North American Amateur Drivers Association Series races on Thursday, March 29, 2012, Thursday, April 12, 2012 and Thursday, April 26, 2012 with the consolation of the series to be held on Wednesday, May 2, 2012.
10. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**
For entry into the minutes, on March 13, 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 Twin Spires Oregon, a secondary site associated with the previously approved simulcasts to Churchill Downs Technology Initiatives.
11. For entry into the minutes, on March 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 International Wagering Customers, a secondary site associated with the previously approved simulcasts to Churchill Downs Incorporated.

12. **NYRA – REQUEST APPROVAL TO CHANGE POST-TIME TO 12:50 P.M.**
For entry into the minutes, on February 29, 2012, the New York State Racing and Wagering Board approved the February 29, 2012 New York Racing Association request to change the post time from 12:20 p.m. to 12:50 p.m. on all race days during the Aqueduct Winter Meet only.
13. **NYRA – REQUEST APPROVAL OF NEW RACING OFFICIAL – SARAH HINCHLIFFE**
For entry into the minutes, pursuant to Board Rule 4005.1, on March 22, 2012, the New York State Racing and Wagering Board approved the request of the New York State Racing Association to employ Dr. Sarah Hinchliffe as a lasix veterinarian for the remainder of 2012.
14. **SUFFOLK REGIONAL OTB – REQUEST TO CONDUCT NEWSDAY PROMOTIONS**
For entry into the minutes, on March 22, 2012, the New York State Racing and Wagering Board approved the March 19, 2012 application by the Suffolk Regional Off-Track Betting Corporation to conduct the Newsday Promotion at their seven branches on Kentucky Derby Day, Saturday, May 5, 2012, Belmont Stakes Day, Saturday, June 9, 2012 and Breeders Cup Day, Saturday, November 3, 2012.
15. **TIOGA DOWNS – REQUEST TO CHANGE POST-TIME ON MAY 5, 2012 TO 5:00 P.M.**
For entry into the minutes, on March 13, 2012, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated March 6, 2012 to change their post-time on Saturday, May 5, 2012 to 5:00 p.m.
16. **WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO CONDUCT THE MATCH PLAY HARNESS HANDICAPPING CONTEST**
For entry into the minutes, on March 6, 2012, the New York State Racing and Wagering Board approved the February 29, 2012 application by the Western Regional Off-Track Betting Corporation and Batavia Downs to conduct the Match Play Harness Handicapping Contest at Batavia Downs Casino on Friday, May 11, 2012.
17. **WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO RETURN YEARLY FEE FROM OLD NIAGARA FALLS TELETHEATER IN THE FORM OF A \$5 VOUCHER**
For entry into the minutes, on March 6, 2012, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation request by letter dated March 2, 2012 to distribute \$5 wagering vouchers to all customers that purchased a \$5 2012 admission card to the Niagara Falls Teletheater when that location changed to a branch on March 19, 2012.

18. **YONKERS RACEWAY – REQUEST TO CONDUCT THE NORTH AMERICAN AMATEUR DRIVERS ASSOCIATION SERIES IN CONJUNCTION WITH MONTICELLO RACEWAY**
For entry into the minutes, on March 6, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request by letter dated February 17, 2012, for permission to conduct North American Amateur Drivers Association Series races on Thursday, April 5, 2012 and Thursday, April 19, 2012, with the final of the series to be held Thursday, May 3, 2012.
19. **YONKERS RACEWAY – REQUEST TO ALLOW MTPBETS, USA, INC. TO SHOW VIDEO REPLAYS AND VIDEO STREAMING OF 2012 RACES FROM YONKERS RACEWAY**
For entry into the minutes, on March 13, 2012, the New York State Racing and Wagering Board approved the request of Yonkers Raceway to allow MTPBETS, USA, Inc, to show video replays and video streaming of races from Yonkers Raceway through December 31, 2012.
20. **YONKERS RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2012**
For entry into the minutes, on February 28, 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 Saratoga Casino and Raceway from March 4 through December 15, 2012.
21. For entry into the minutes, on February 28, 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 Rosecroft Raceway, Maryland from March 10 through December 15, 2012 for account wagering purposes only.
22. For entry into the minutes, on March 13, 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 Raceway Park, Ohio from April 1 through October 31, 2012.
23. For entry into the minutes, on March 13, 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 Harrah's Chester Downs, Pennsylvania through March 31, 2012.

Approval is also provided for this simulcast through December 19, 2012 conditioned upon:

1. Issuance of consent by the Pennsylvania Harness Horsemen's Association, Inc. for the simulcasting for the relevant period; and
2. Filing of the Pennsylvania Harness Horsemen's Association, Inc. consent with the Board prior to the start of the relevant period.

24. For entry into the minutes, on March 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 races from the following New York tracks:
 1. Vernon Downs, New York from April 27 through November 3, 2012.
 2. Tioga Downs, New York from May 5 through September 15, 2012.

25. For entry into the minutes, on March 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 races from Hazel Park, Michigan from May 4 through September 15, 2012.

26. For entry into the minutes, on March 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 races from Mohegan Sun at Pocono Downs, Pennsylvania from April 3 through November 17, 2012.

27. **YONKERS RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**
 For entry into the minutes, on March 7, 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 Monarch Content Management sites for the calendar year 2012:
 1. Maryland Jockey Club (with four [4] secondary sites: Laurel Park, Pimlico Race Course, , Northeast Racing and Sports Club OTB and Riverboat OTB), Maryland, and not approved for Cracked Claw OTB.
 2. Meadowlands Racetrack (with one [1] secondary site: New Jersey Account Wagering and not approved for Bayonne OTB), New Jersey.
 3. Monmouth Park (with two [2] secondary sites: Favorites at Woodbridge OTB and New Jersey Account Wagering).
 4. Xpress Bet, LLC. (with one [1] secondary site: DRFbets.com), Oregon.
 5. Player Management Group, Oregon.
 6. TSG Global Wagering Solutions LLC (with eleven [11] secondary sites: RaceBets GmbH, International Betting Association Ltd., German Tote GmbH & Co. KG, Pferdawetten.de GmbH, Magna Racino Veranstaltungen GmbH, Magna Bet, SGI Netherlands, CashPoint (Malta) Limited, Bwin International Ltd, Lotos Pferdewetten GmbH and Win Race Pferderennen Bermarklungs GmbH and not approved for: Wettenleip GmbH, Newcote Services Limited, German Bookmaker Association), Delaware.

28. For entry into the minutes, on March 13, 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 New York tracks for the calendar year 2012:
 1. Tioga Downs.
 2. Vernon Downs.
 3. Batavia Downs.
29. For entry into the minutes, on March 13, 2012, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to Western Regional Off-Track Betting Corporation, New York for the calendar year 2012.
30. For entry into the minutes, on March 16, 2012, the New York State Racing and Wagering Board approved Yonkers Raceway's request to simulcast its harness racing programs for wagering purposes to Twin River, Rhode Island for the calendar year 2012.

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

1. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO AMEND WINNERS' CIRCLE CLUB

For entry into the minutes, on March 7, 2012, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation's (CROTBC) request dated February 29, 2012 to modify the program and amend the internal controls for the Winners' Circle Club. The approval is conditioned on the following:

1. CROTBC shall notify the Board within 10 days of any changes to qualifying membership parameters.
2. CROTBC shall notify the Board within 10 days of any changes to complimentaries and/or other benefits eligible to be received by members.
3. CROTBC shall seek prior approval of all marketing and promotional activities.
4. CROTBC shall submit the internal controls reflecting all changes with such notifications.
5. The Board shall reserve the right to modify, approve or deny all such changes.
6. All other aspects of the program are to be conducted pursuant to the Board's May 29, 2008 approval.
7. CROTBC must maintain a list that identifies guests (non-members) that are allowed access to the Winners' Circle on a daily basis. The list at minimum must provide the name and date the guest was provided access, and the name of the OTB official that authorized access for the guest.

2. **YONKERS RACEWAY – REQUEST FOR APPROVAL OF 7TH PERMIT FOR EXPANSION OF CASINO FACILITY – PORT COCHERE**

For entry into the minutes, on March 9, 2012, the New York State Racing and Wagering Board approved the construction work detailed in the Office of General Services Construction permit dated March 8, 2012 for Project No. S5744. 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.

3. **YONKERS RACEWAY – REQUEST FOR APPROVAL OF PEACE OFFICERS**

For entry into the minutes, on February 29, 2012, pursuant to Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board granted Yonkers Racing Corporation's request to approve the appointment of the individuals listed below as special policemen within and around the grounds of Yonkers Raceway. These special policemen may exercise the powers of peace officers as authorized by and in accordance with Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law and Section 2.20 of the Criminal Procedure Law.

The five (5) individuals approved are:

1. Steven Espinal
2. Theresa Gunn
3. Jose Moronta
4. Roderick Powlette
5. Steven Silfa

4. **YONKERS RACEWAY – REQUEST FOR APPROVAL OF 8TH PERMIT FOR EXPANSION OF CASINO FACILITY – INTERIORS PERMIT**

For entry into the minutes, on March 19, 2012, the New York State Racing and Wagering Board approved the construction work detailed in the Office of General Services Construction permit dated March 12, 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.

5. **SARATOGA HARNESS – REQUEST TO CANCEL RACING UNTIL WEDNESDAY, APRIL 11, 2012**

For entry into the minutes, on March 23, 2012, the New York State Racing and Wagering Board approved the Saratoga Casino and Raceway request by letter dated March 23, 2012 to cancel live racing until Wednesday, April 11, 2012.

6. **IN THE MATTER OF RYAN CURATOLO**

For entry into the minutes, on March 12, 2012, the New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente Parente that the request of jockey Ryan Curatolo for an apprentice weight allowance pursuant to Board Rule 4032.1(e) be denied.

D. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. **NASSAU REGIONAL OTB – 2012 SIMULCAST LICENSE APPLICATION**

The New York State Racing and Wagering Board granted the 2012 Nassau Regional Off-Track Betting Corporation simulcast license for seven (7) simulcast branches, twelve (12) restaurant facilities with wagering, 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 SOC I Type II (formerly SAS-70 Type II) 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 the plan relating to the Totalisator Room Security (Rule 5100.23[d]).

2. **FINGER LAKES RACETRACK – 2012 RACING OFFICIALS**

Pursuant to Board Rule 4005.1, the New York State Racing and Wagering Board approved employment during 2012 by Finger Lakes Racing Association, Inc. of the fifteen (15) individuals in the specified capacities set forth in the Finger Lakes letter dated January 26, 2012. These fifteen (15) people are approved as racing officials for the upcoming 2012 season at Finger Lakes Gaming and Racetrack.

3. **TIOGA DOWNS – REQUEST TO AMEND WAGERING MENU**

The New York State Racing and Wagering Board approved the American Racing-Tioga Downs, Inc. request to amend its wagering menu according to the March 14, 2012 letter and accompanying schedule. All wagering shall be conducted pursuant to New York State rules and regulations.

4. **VERNON DOWNS – REQUEST TO AMEND WAGERING MENU**
 The New York State Racing and Wagering Board approved the American Racing-Vernon Downs, Inc. request to amend its wagering menu according to the March 14, 2012 letter and accompanying schedule. All wagering shall be conducted pursuant to New York State rules and regulations.

5. **FINGER LAKES RACETRACK – REQUEST TO WITHDRAW \$146,250.87 FROM CIF**

The New York State Racing and Wagering Board approved the Finger Lakes Racing Association request to withdraw \$146,250.87 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

Backstretch (25%)

Audio Amplifiers – Barn Area	<u>\$ 36,446.80</u>
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Other (75%)

Hydraulic Elevator Jack	\$ 30,887.01
Table & Chairs – Box Seat Area	9,983.71
Upper Grandstand Remodeling	22,197.35
Cameras & Installation	29,086.00
New Roof – Kitchen Area	<u>17,650.00</u>
Total Other	\$ 109,804.07

Total Approved	<u><u>\$ 146,250.87</u></u>
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6. **WESTERN REGIONAL OTB – NEW EZ-BET – THE CLUBHOUSE AT THE CHILI COUNTRY CLUB DBA CHILI SPORTS ENTERTAINMENT LLC - SCOTTSVILLE**

The New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation simulcast plan of operation to authorize the operation of an EZ Bet simulcast facility located in Chili Sports Entertainment LLC, 760 Scottsville Chili Road, Scottsville, NY.

7. **YONKERS RACEWAY – REQUEST TO AMEND INTERNET WAGERING PLAN OF OPERATION**

The New York State Racing and Wagering Board deferred action on this matter.

8. **IN THE MATTER OF MARK L. MCCORMICK**

The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the refusal to license Mark L. McCormick be affirmed based on Mr. McCormick’s failure to disclose criminal history and his violation of conditions of his racing license in Pennsylvania.

9. **IN THE MATTER OF MATEO MELGAR**

The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Clemente J. Parente and revoked the thoroughbred exercise rider's license of Mateo Melgar based upon fraudulent information he provided on his license application.

10. **IN THE MATTER OF VICTOR MORALES**

The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the thoroughbred racing stable employee and groom's license of Victor Morales be revoked based upon a positive human drug test in violation of Board Rule 4042.5(c) and his failure to comply with the terms of his Consent to Conditions for Reinstatement.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for February 1, 2012 through February 29, 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 February 29, 2012 since January 1, 2012 were as follows: total receipts 2,417 and total licenses 1,821 for the year 2012.

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

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between February 1, 2012 and February 29, 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 February 8, 2012 through March 6, 2012.

5. **2011 LICENSED SUPPLIERS**

List of licensed suppliers - manufacturers' and distributors' licenses issued for the time period of February 1, 2012 through February 29, 2012.

6. **NASSAU REGIONAL OTB – CONCESSIONAIRE – PICCOLO GRAZIE TUTTI, INC. – VACATED RESTAURANT SPACE IN BRANCH ON GLEN COVE ROAD IN CARLE PLACE – TERM OF AGREEMENT EXPIRED**

The New York State Racing and Wagering Board (the Board) acknowledged receipt of the letter from Nassau Regional Off-Track Betting Corporation (NROT) dated February 13, 2012 in which NROT informed the Board that the concessionaire, Piccolo Grazie Tutti, Inc., for the branch located on Glen Cove Road in Carle Place, had vacated the restaurant space, as the term of the agreement expired. The Board advised that any new concessionaire would need to be approved prior to commencing operations.

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

Suffolk Regional Off-Track Betting Corporation provided notice that the following Qwik Bet Agreements had been extended:

GVG Enterprises Inc. d/b/a Vincenzo's Restaurant & Pizzeria
Seaville Inn d/b/a The Jon Thomas Inne
42 Broadway Tavern Corp. d/b/a Tommy's Place at Rocky Point
Dream Team Tavern Corp. d/b/a Tommy's Place
Ken-Mar Restaurant, Inc. d/b/a The Shamrock

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

The meeting adjourned at 2:29 p.m.