



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF SEPTEMBER 27, 2012**

A meeting of the New York State Racing and Wagering Board was held on Wednesday, September 27, 2012 at 11:00 a.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 11:10 a.m.

In Attendance Were:

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

Also in Attendance Were:

Lee Park, NYSR&WB
Stacy Harvey, NYSR&WB
Michelle Martin, NYSR&WB
James Kellogg, NYSR&WB
Mark Stuart, NYSR&WB
Rick Goodell, NYSR&WB
William Sekellick, NYSR&WB
Jim Crane, Crane Consulting Group
Thomas Spring, Capital OTB
Bill Crowell, Whiteman, Osterman

OPEN COMMENT PERIOD: Began: 11:10 a.m. Ended: 11:10 a.m.

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

No other comments were made.

Chairman Sabini honored the late John A. Cashman, Jr. who recently passed away. He spoke about Mr. Cashman's career mentioning that he will always be known as a "true giant" of standardbred racing and breeding in that he was one of the sport's most active leaders, spanning decades in various positions at the forefront of the industry. The Chairman expressed the Board's heartfelt condolences to the entire Cashman family. The Chairman's statement is attached to the minutes.

A. The Board approved the minutes of the Board meeting held on August 30, 2012.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. BATAVIA DOWNS/WESTERN OTB – EXPORT TO VARIOUS LOCATIONS IN 2012

For entry into the minutes, on September 19, 2012, the New York State Racing and Wagering Board approved the Batavia Downs request to simulcast its harness racing programs for wagering purposes to Lien Games Racing, LLC (with eleven [11] secondary sites: Chips Lounge and Casino, TRA Code LGC; Skydancer Casino, TRA Code SKY; Rumors OTB, TRA Code LGR; Howard Johnson Turf Room, TRA Code LGE; Howard Johnson Telephone Wagering, TRA Code LGA; Howard Johnson OTB, TRA Code LGM; OffTrackBetting.com, TRA Code L3W; BetAmerica.com, TRA Code LIW; BetFastNow.com, TRA Code LIW; OnlineRacing.tv, TRA Code LIW and TrackInfo.com, TRA Code LIW), North Dakota for the calendar year 2012. **Not Approved** for RacePlayWin.com, TRA Code LIW.

2. BUFFALO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012

For entry into the minutes, on September 19, 2012, the New York State Racing and Wagering Board approved the Buffalo Trotting Association request to simulcast its harness racing programs for wagering purposes for the year 2012 to Illinois TVG Account Wagering, TRA Code TVI, a secondary site associated with the previously approved simulcasts to ODS Technologies, L.P. d/b/a TVG Network.

3. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR BLANKET APPROVAL FOR “FANTASY PICK SIX” HANDICAPPING GAME THROUGHOUT 2012

For entry into the minutes, on September 7, 2012, the New York State Racing and Wagering Board approved the August 29, 2012 application by the Capital District Regional Off-Track Betting Corporation for blanket approval to conduct the "Fantasy Pick Six" handicapping game at the Clubhouse Race Book throughout the calendar year 2012.

4. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT THE ANDY SERLING BANKROLL PROMOTION**
For entry into the minutes, on September 7, 2012, the New York State Racing and Wagering Board approved the September 5, 2012 application by the Capital District Regional Off-Track Betting Corporation to conduct the Andy Serling Bankroll promotion on Sunday, October 21, 2012 at the Clubhouse Race Book.
5. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR BLANKET APPROVAL FOR THURSDAY NIGHT PROMOTIONS AT THE CLUBHOUSE RACE BOOK THROUGHOUT 2012**
For entry into the minutes, on September 19, 2012, the New York State Racing and Wagering Board approved the September 10, 2012 application by the Capital District Regional Off-Track Betting Corporation for blanket approval to conduct Thursday Night Promotions at the Clubhouse Race Book throughout the calendar year 2012.
6. **FINGER LAKES RACETRACK – REQUEST TO AMEND THE \$2,500 HORSE RACING BINGO REQUEST**
For entry into the minutes, on August 30, 2012, the New York State Racing and Wagering Board approved the August 27, 2012 application by the Finger Lakes Racing Association, Inc. to amend their Horse Racing Bingo request previously approved by the Board on August 9, 2012. Horse Racing Bingo will be conducted with these amendments on Saturday, September 1 and Saturday, September 8, 2012.
7. **FINGER LAKES RACETRACK – REQUEST TO CONDUCT \$2,500 HORSE RACING BINGO**
For entry into the minutes, on September 7, 2012, the New York State Racing and Wagering Board approved the September 6, 2012 application by the Finger Lakes Racing Association, Inc. to conduct \$2,500 Horse Racing Bingo on Saturday, October 20, 2012.
8. **FINGER LAKES RACETRACK – REQUEST TO ELIMINATE RACING ON OCTOBER 31 AND ADD RACING ON NOVEMBER 3**
For entry into the minutes, on September 19, 2012, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request by letter dated September 5, 2012 to eliminate racing on Wednesday, October 31, 2012 and add a race day on Saturday, November 3, 2012.
9. **FINGER LAKES RACETRACK – EXPORT TO VARIOUS LOCATIONS IN 2012**
For entry into the minutes, on August 30, 2012, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to Hit The Board/ THR, TRA Code HIT, a secondary site associated with the previously approved simulcasts to Rocky Mountain Turf Club, Inc.

10. For entry into the minutes, on August 30, 2012, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to Sports On Tap, TRA Code SOT, a secondary site associated with the previously approved simulcasts to Marquis Downs.
11. For entry into the minutes, on September 19, 2012, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes for the year 2012 to the following secondary sites associated with the previously approved simulcasts to Woodbine Entertainment Group:
 1. Hippodrome Trois Rivieres, TRA Code HTR.
 2. Point aux Trembles OTB, TRA Code CJ3.
 3. Preigorde OTB, TRA Code CJ4.
12. **MONTICELLO RACEWAY – REQUEST TO CONDUCT GSY AMATEUR DRIVERS SERIES RACES**

For entry into the minutes, on August 30, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request by letter dated August 21, 2012 for permission to conduct GSY Amateur Drivers Series races on Tuesday, September 18, 2012.
13. **MONTICELLO RACEWAY – REQUEST TO ALLOW EBET TECHNOLOGIES, INC. TO SHOW VIDEO REPLAYS**

For entry into the minutes, on August 30, 2012, the New York State Racing and Wagering Board approved the request of Monticello Raceway to allow eBet Technologies, Inc. to show video replays of races from Monticello Raceway through December 31, 2012.
14. **MONTICELLO RACEWAY – REQUEST TO CONDUCT ADDITIONAL RACE DATE ON DECEMBER 16, 2012**

For entry into the minutes, on September 19, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request by letter dated September 10, 2012 to add a race day on Sunday, December 16, 2012 with a post time of 12:25 p.m.
15. **MONTICELLO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2012**

For entry into the minutes, on September 7, 2012, 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 Kentucky Downs, Kentucky from September 8 through September 19, 2012.
16. For entry into the minutes, on September 20, 2012, the New York State Racing and Wagering Board approved the Monticello Raceway request to conduct advance

wagering on Friday, November 2 for the Saturday, November 3 Breeders' Cup World Championship races to be held at Santa Anita Park.

17. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**
For entry into the minutes, on August 30, 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 Valley Sands OTB, TRA Code VSE, a secondary site associated with the previously approved simulcasts to Horse Racing New Brunswick.
18. For entry into the minutes, on September 19, 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 Woodbine Entertainment Group:
 1. Hippodrome Trois Rivieres, TRA Code HTR.
 2. Point aux Trembles OTB, TRA Code CJ3.
 3. Preigorde OTB, TRA Code CJ4.
19. For entry into the minutes, on September 19, 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 Club Alouette, TRA Code CA1, a secondary site associated with the previously approved simulcasts to WinRac Development, Inc.
20. **NASSAU REGIONAL OTB – REQUEST TO CONDUCT THE 2012 YONKERS HARNESS HANDICAPPING CONTEST**
For entry into the minutes, on September 20, 2012, the New York State Racing and Wagering Board approved the September 19, 2012 application by the Nassau Regional Off-Track Betting Corporation to conduct the 2012 Yonkers Harness Handicapping Contest on Tuesday, October 9 at the Carle Place Branch, Thursday, October 11 at the Franklin Square Branch, Friday, October 12 at the Race Palace, Tuesday, October 16 at the Farmingdale Branch with the finals to be held on Thursday, October 18, 2012 at Yonkers Raceway.
21. **NYRA – REQUEST TO OFFER GUARANTEED POOLS DURING THE 2012 BELMONT FALL RACE MEET**
For entry into the minutes, on September 7, 2012, the New York State Racing and Wagering Board approved the September 6, 2012 New York Racing Association request to offer guaranteed Pick 4 pools during the 2012 Belmont Fall Race Meet.
22. **NYRA – REQUEST TO CONDUCT THE BREEDERS' CUP MYSTERY VOUCHER PROMOTION**
For entry into the minutes, on September 19, 2012, the New York State Racing and Wagering Board approved the September 17, 2012 New York Racing Association

request to conduct the Breeders Cup Mystery Voucher Promotion on Saturday, November 3, 2012.

23. NYRA – EXPORT TO VARIOUS LOCATIONS IN 2012

For entry into the minutes, on August 30, 2012, 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 2012 to Harrington Live, TRA Code HAL, a secondary site associated with the previously approved simulcasts to Harrington Raceway.

24. For entry into the minutes, on August 30, 2012, 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 2012 to Cherokee Casino West Siloam Springs, TRA Code WSS, a secondary site associated with the previously approved simulcasts to Remington Park.

25. For entry into the minutes, on August 30, 2012, 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 2012 to the following secondary sites associated with the previously approved simulcasts to Assiniboia Downs:

1. Central Hotel, TRA Code CEN.
2. Assiniboia Downs On-Site Handicapping Contests, TRA Code HXS.

26. For entry into the minutes, on August 30, 2012, 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 2012 to Salle De Paris Boucherville, TRA Code CJ2, a secondary site associated with the previously approved simulcasts to Woodbine Entertainment Group.

27. For entry into the minutes, on August 30, 2012, 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 2012 to Gala Group Limited, London, a secondary site associated with the previously approved simulcasts to TRN International, Inc.

28. For entry into the minutes, on September 19, 2012, 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 2012 to Sports On Tap, TRA Code SOT, a secondary site associated with the previously approved simulcasts to Marquis Downs.

29. SARATOGA HARNESS – EXPORT TO VARIOUS LOCATIONS IN 2012

For entry into the minutes, on September 19, 2012, the New York State Racing and Wagering Board approved the Saratoga Casino and Raceway request to simulcast its

harness racing programs for wagering purposes for the year 2012 to Ellis Park, TRA Code ELP, a secondary site associated with the previously approved simulcasts to The Red Mile.

30. **SUFFOLK REGIONAL OTB – REQUEST TO CONDUCT AN OCTOBER HANDICAPPING CONTEST**

For entry into the minutes, on September 7, 2012, the New York State Racing and Wagering Board approved the September 5, 2012 Suffolk Regional Off-Track Betting Corporation request to conduct a Handicapping Contest at the Racing Forum in Hauppauge, N.Y. on Saturday, October 20, 2012.

31. **TIOGA DOWNS – REQUEST TO CHANGE POST-TIME ON SEPTEMBER 15, 2012**

For entry into the minutes, on September 14, 2012, the New York State Racing and Wagering Board approved the Tioga Downs request by letter dated September 12, 2012 to change their post-time on Saturday, September 15, 2012 from 6:50 p.m. to 6:00 p.m.

32. **VERNON DOWNS – REQUEST TO CONDUCT THE LATE BLOOMER LATE CLOSER SERIES**

For entry into the minutes, on September 7, 2012, the New York State Racing and Wagering Board approved the Vernon Downs request by letter dated August 30, 2012 to conduct the Late Bloomer late closer series on Friday, September 28, 2012, and Friday, October 5, 2012 with the final being held Friday, October 12, 2012.

33. **VERNON DOWNS – EXPORT TO VARIOUS LOCATIONS IN 2012**

For entry into the minutes, on August 30, 2012, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to ODS Technologies d/b/a TVG Network, California for the remainder of calendar year 2012.

34. For entry into the minutes, on August 30, 2012, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Lebanon Raceway, Ohio for the calendar year 2012.

35. For entry into the minutes, on August 31, 2012, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes for the year 2012 to Illinois TVG Account Wagering, TRA Code TVI, a secondary site associated with the previously approved simulcasts to ODS Technologies, L.P. d/b/a TVG Network.

36. **WESTERN REGIONAL OTB – REQUEST TO CONDUCT WAGER GIVEAWAY AT THE LAKE AVENUE, ROCHESTER EZ-BET**

For entry into the minutes, on August 30, 2012, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation request by letter dated August 21, 2012 to conduct a Wager Giveaway promotion at the Lake Avenue, Rochester EZ Bet location on Friday, August 31, 2012.

37. **YONKERS RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2012**
For entry into the minutes, on August 30, 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 Delaware County Fair, Ohio on Wednesday, September 19, 2012 and Thursday, September 20, 2012.
38. For entry into the minutes, on August 31, 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 tracks:
1. Fairplex Park, California from September 7 through September 23, 2012.
 2. Calder Race Course, Florida from September 1 through December 2, 2012.
39. For entry into the minutes, on September 19, 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 Pompano Park, Florida from September 19, 2012 through December 31, 2012.
40. For entry into the minutes, on September 19, 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 Kentucky Downs, Kentucky through September 19, 2012.
41. **YONKERS RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2012**
For entry into the minutes, on August 30, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to TattsBet, Australia for the calendar year 2012.
42. For entry into the minutes, on August 30, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Hanover, Bentinck, & Brant Agricultural Society d/b/a Hanover Raceway, Ontario, Canada during the calendar year 2012.
43. For entry into the minutes, on August 30, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Rocky Mountain Turf Club, Inc. (with seventeen [17] secondary sites: Black Diamond Hotel, TRA Code BDH; Champs Sports Lounge, Grand Prairie, TRA Code CSB; Evergreen Park, Grand Prairie, TRA Code EGP; Longshots, Fort McMurray, TRA Code LGS; Players Club, Camrose; TRA Code PYC; Skips Sports Bar, Calmar, TRA Code SKB; Smoky Lake Inn, TRA Code SML; Schanks Athletic Club North, TRA Code WU2; Airdrie Hotel, TRA Code WUA; Hit The Board/Thehorseonline, TRA Code WUB; Hit The Board/TRH, TRA Code HIT;

ABS Casino Calgary, TRA Code WUC; Elbow River Casino, Calgary, TRA Code WUE; Okotoks Inn, TRA Code WUO; Whoop Up Downs, TRA Code WUP; Schanks Athletic Club, Calgary, TRA Code WUS and Whoop Up TAB, TRA Code WUT), Alberta, Canada during the calendar year 2012.

44. For entry into the minutes, on September 7, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Ida Racing at Sandy Downs, TRA Code TET (with two [2] secondary sites: The Turf Club OTB, TRA Code TCC and Idabet.com, TRA Code IDB), Idaho for the calendar year 2012.
45. For entry into the minutes, on September 19, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Wheeling Island Gaming, West Virginia for the calendar year 2012.
46. For entry into the minutes, on September 19, 2012, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Horsemen's Park, Nebraska for the calendar year 2012.
47. For entry into the minutes, on September 19, 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 the following secondary sites associated with the previously approved simulcasts to Woodbine Entertainment Group:
 1. Hippodrome Trois Rivieres, TRA Code HTR.
 2. Point aux Trembles OTB, TRA Code CJ3.
 3. Preigorde OTB, TRA Code CJ4.

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

1. **NOTICE OF EMERGENCY RULEMAKING – THOROUGHBRED RACING CLAIMING RULE**

For entry into the minutes, on August 31, 2012, the New York State Racing and Wagering Board approved the adoption by emergency rule making of a revision to subdivision (a) of Section 4038.5 of the Board's thoroughbred racing rules. This amendment provides that a claim shall be void for any horse that dies during a race or is euthanized on the track following a race.
2. **YONKERS RACEWAY – EMPLOYEE APPRECIATION DAY CONSTRUCTION PERMIT**

For entry into the minutes, on September 7, 2012, the New York State Racing and Wagering Board approved the construction work related to the Employee Appreciation Day Barbeque that was held at Yonkers Raceway on August 29, 2012. This request was approved pursuant to section 322 of the New York State Racing, Pari-Mutuel Wagering and Breeding Law.

3. **NOTICE OF EMERGENCY RULEMAKING – PURSE PROPORTIONALITY
RULE IN CLAIMING RACES**

For entry into the minutes, on September 24, 2012, the New York State Racing and Wagering Board approved the adoption by emergency rule making of a revision to Section 4038.2 of the Board’s thoroughbred racing rules. This amendment provides that the minimum price for which a claim may be entered in a claiming race shall not be less than fifty percent of the value of the purse for the race.

D. ITEMS APPROVED, DENIED OR DEFERRED BY THE BOARD

1. **BATAVIA DOWNS – REQUEST TO IMPLEMENT NEW WAGER – PICK 3**

The New York State Racing and Wagering Board approved Batavia Downs’ request to implement a Pick 3 wager as provided for in its September 6, 2012 letter and subsequent correspondence with staff. The approval is conditioned on Batavia Downs submitting the end of day wagering reports, from the first day of wagering, to the New York State Department of Taxation and Finance.

2. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO AMEND ACCOUNT
WAGERING PLAN OF OPERATION - VeCOMMERCE**

The New York State Racing and Wagering Board approved Capital District Regional Off-Track Betting Corporation’s (CDROTB) request to amend its account wagering plan of operation to implement certain services as provided for in its February 15, 2012 letter and subsequent correspondence with staff. CDROTB shall provide staff with documentation of satisfactory test results prior to implementing the services.

3. **NYRA – REQUEST TO AMEND ACCOUNT WAGERING PLAN OF
OPERATION – MONEYGRAM**

The New York State Racing and Wagering Board approved the New York Racing Association’s request to amend its internet and account wagering plan of operation to implement MoneyGram money transfer services as provided for in its April 16, 2012 letter and subsequent correspondence with staff.

4. **MONTICELLO RACEWAY – REQUEST TO WITHDRAW \$7,891.99 FROM
CIF**

The New York State Racing and Wagering Board approved Monticello Raceway’s request to withdraw \$7,891.99 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

Backstretch (37%)

Matting for Ship-In Barn \$ 2,950.99

Other (63%)

Walk Behind Mower \$ 4,941.00

Total Approved \$ 7,891.99

5. **CATSKILL REGIONAL OTB – REQUEST TO INSTALL SELF-ACTIVATED BETTING TERMINALS (STAN) AT PIONEER SPORTS BAR & GRILL – ELMIRA**
The New York State Racing and Wagering Board (Board) approved an amendment to the Catskill Regional Off-Track Betting Corporation simulcast plan of operation to authorize operation of a simulcast facility located in Pioneer Sports Bar & Grill, Inc., 208 S. Main Street, Elmira, New York.
6. **SUFFOLK REGIONAL OTB – NEW QWIK BET – NENGLIS INC. dba LILY FLANIGANS - ISLIP**
The New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation simulcast plan of operation to authorize the operation of a Qwik Bet simulcast facility located in Lily Flanigan’s, 528 Main Street, Islip, NY.
7. **SUFFOLK REGIONAL OTB – NEW QWIK BET – PUB 347, INC. dba PUB 347 - SMITHTOWN**
The New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation simulcast plan of operation to authorize the operation of a Qwik Bet simulcast facility located in Pub 347, 532 Smithtown Bypass, Smithtown, NY.
8. **WESTERN REGIONAL OTB – NEW EZ-BET – VILLAGE ROCK CAFÉ - EAST ROCHESTER**
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 Village Rock Café, 213 E. Main Street, East Rochester, NY.
9. **WESTERN REGIONAL OTB – NEW EZ-BET – MARGER, INC. dba CRUISER’S – NIAGARA FALLS**
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 Cruiser’s, 9799 Porter Road, Niagara Falls, NY.
10. **NOTICE OF ADOPTION – THOROUGHBRED RACING CLAIMING RULE**
The New York State Racing and Wagering Board approved the adoption of an amendment to subdivision (a) of Section 4038.5 of the Board’s thoroughbred racing rules. This amendment provides that a claim shall be void for any horse that dies during a race or is euthanized on the track following a race.
11. **NOTICE OF ADOPTION – TCO2 2012 RULE AMENDMENTS**
The New York State Racing and Wagering Board approved the adoption of amendments to 4043.8 (a), (b) and (e); 4043.9 (a) and (b); 4120.13 (a), (b) and (e);

4120.14 (a) and (b); 4043.9(c) and 4120(c) of the Board's rules regarding procedures and penalties for the testing of thoroughbred and harness race horses for the presence of excess total carbon dioxide (TCO2) levels.

12. IN THE MATTER OF DENIS CORTES

The New York State Racing and Wagering Board accepted the recommendation of Hearing Officer Clemente J. Parente that the thoroughbred racing general services license of Denis Cortes be revoked based upon a positive human drug test and his failure to comply with the terms of his Consent to Conditions for Reinstatement in violation of Board Rules 4042.5(a) and (c) and the findings that under the circumstances, Mr. Cortes lacks the general character and fitness for continued participation in pari-mutuel racing and his continued participation in pari-mutuel racing is inconsistent with the public interest, convenience, and necessity, and with the best interests of racing generally.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. INDIAN GAMING/LICENSING STATISTICS

Licensing statistics for August 1, 2012 through August 30, 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 August 30, 2012 since January 1, 2012 were as follows: total receipts 13,113 and total licenses 10,660 for the year 2012.

3. GAMES OF CHANCE/BELL JAR TICKETS

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between August 1, 2012 and August 30, 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 August 1, 2012 through August 30, 2012.

5. 2012 LICENSED SUPPLIERS

List of licensed suppliers - manufacturers' and distributors' licenses issued for the time period of August 1, 2012 through August 30, 2012.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

1. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CLOSE 4TH & FULTON STREET BRANCH, TROY AND OPEN BRANCH AT UNCLE SAM LANES INC., 600 FULTON ST., TROY

The approval of the opening of the new branch at Uncle Sam Lanes, Inc., 600 Fulton Street, Troy was conditioned upon the New York State Racing and Wagering Board receiving a copy of the building permits for the work performed to remodel the

new branch location and any required certificate of occupancy prior to the opening of the branch. On August 29, 2012, the Capital District Regional Off-Track Betting Corporation submitted to the Board the Work Permit and Certificate of Occupancy from the City of Troy as it relates to the creation of an OTB branch in Uncle Sam Lanes Bowling Alley therefore meeting the required terms of condition. The 4th & Fulton Street OTB branch location is scheduled to close on September 3, 2012 and the new Uncle Sam Lanes OTB branch location is scheduled to be open for business on September 4, 2012.

The meeting adjourned at 11:44 a.m.