



**MINUTES  
NEW YORK STATE RACING AND WAGERING BOARD  
MEETING OF OCTOBER 21, 2010**

**A meeting of the New York State Racing and Wagering Board was held on Thursday, October 21, 2010 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 11:08 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  
Joseph Lynch, Director of Racing Operations  
Thomas Casaregola, Director of Audits & Investigations  
Gail Pronti, Secretary to the Board

**Also in Attendance Were:**

Kenneth Council, Director of Administration  
Nicole Robilotto, Director of Licensing  
Joseph Mahoney, NYSR&WB  
Rick Goodell, NYSR&WB  
Mark Stuart, NYSR&WB  
William Sekellick, NYSR&WB  
James Kellogg, NYSR&WB  
Kristen Buckley, NYSR&WB  
Vivian Davis, NYSR&WB  
John Googas, NYSR&WB  
James Mangano, NYSR&WB  
Adam Puffenberger, Intern  
Donald Braim, Saratoga Raceway  
John Matarazzo, Saratoga Raceway  
James Crane, Crane Consulting Group  
Mike Wilton, Patricia Lynch Associates

**OPEN COMMENT PERIOD:** No comments were made.

A. The Board approved the minutes of the Board meeting held on September 21, 2010.

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

1. **BUFFALO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2010**

On September 16, 2010, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from The Red Mile, Kentucky through October 23, 2010.

2. On September 21, 2010, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Laurel Park, Maryland through December 31, 2010.

3. On September 29, 2010, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Keeneland Association Inc. (Fall Meet), Kentucky from October 8 through October 30, 2010.

4. On September 29, 2010, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Oak Tree Racing Association, Inc. at Hollywood Park, California, from September 30 through October 31, 2010.

5. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER \$1,000 HANDICAPPING CONTEST**

On September 16, 2010, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct a one thousand (\$1,000.00) dollar handicapping contest on the Vernon Downs races on Saturday, October 23, 2010.

6. **CAPITAL DISTRICT REGIONAL OTB – OCTOBER - NOVEMBER 2010 PROMOTIONS/EVENTS**

On September 24, 2010, the New York State Racing and Wagering Board approved the September 16, 2010 application by the Capital District Regional Off-Track Betting Corporation to conduct the specified promotions during October and November of 2010.

7. **CAPITAL DISTRICT REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 16, 2010, 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 simulcast for wagering purposes of races from The Delaware County Fair, Ohio from September 21 through September 23, 2010.
8. On September 28, 2010, 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 simulcast for wagering purposes of the Prix de l'Arc de Triumphe to be run at Longchamp Race Course, Paris, France on October 3, 2010.
9. **CAPITAL DISTRICT, CATSKILL, NASSAU, SUFFOLK AND WESTERN REGIONAL OTBs – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 21, 2010, the New York State Racing and Wagering Board approved amendments to the plan of operation of the Capital, Catskill, Nassau, Suffolk and Western Regional off-track betting corporations to reflect the increased payment rate on Breeders Crown races to be run at Pocono Downs, Pennsylvania on October 9, 2010.
10. On September 21, 2010, the New York State Racing and Wagering Board approved amendments to the plans of operation of the Capital, Catskill, Nassau, Suffolk and Western Regional off-track betting corporations authorizing the simulcast for wagering purposes of races from Keeneland Association Inc. (Fall Meet), Kentucky from October 8 through October 30, 2010.
11. On September 21, 2010, the New York State Racing and Wagering Board approved amendments to the plans of operation of the Capital, Catskill, Nassau, Suffolk and Western Regional off-track betting corporations authorizing the simulcast for wagering purposes of races from Turf Paradise, Arizona through December 31, 2010.
12. On September 21, 2010, the New York State Racing and Wagering Board approved amendments to the plans of operation of the Capital, Catskill, Nassau, Suffolk and Western Regional off-track betting corporations authorizing the simulcast for wagering purposes of races from Oak Tree Racing Association, Inc. at Hollywood Park, California from September 30 through October 31, 2010.
13. On September 28, 2010, the New York State Racing and Wagering Board approved amendments to the plans of operation of the Capital, Catskill, Nassau, Suffolk and Western Regional off-track betting corporations authorizing the simulcast for wagering purposes of races from Portland Meadows, Oregon from October 4 through December 29, 2010.
14. **CATSKILL REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 16, 2010, the New York State Racing and Wagering Board approved an amendment to the Catskill Regional Off-Track Betting Corporation simulcast plan of operation authorizing a Players Reward Program and the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board on races from The New York Racing Association, New York during 2010.

15. On September 16, 2010 the New York State Racing and Wagering Board approved amendments to the plans of operation of Catskill Regional Off-Track Betting Corporation, Capital District Regional Off-Track Betting Corporation and Western Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Northville Racing Corporation, Michigan from September 23 through November 20, 2010.
16. On September 28, 2010, the New York State Racing and Wagering Board approved amendments to the plans of operation of Catskill Regional Off-Track Betting Corporation, and Western Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Hawthorne Race Course, Illinois through December 31, 2010.
17. **FINGER LAKES RACETRACK – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 16, 2010, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from TP Racing L.L.P. d.b.a. Turf Paradise, Arizona through December 31, 2010.
18. On September 28, 2010, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Oak Tree Racing Association, Inc. at Hollywood Park, California from September 30 through October 31, 2010.
19. On September 28, 2010, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Hawthorne Race Course, Illinois from October 1 through December 31, 2010.
20. **FINGER LAKES RACETRACK – EXPORT TO VARIOUS LOCATIONS IN 2010**  
On September 16, 2010, 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 to Turfway Park (with three [3] secondary sites), Kentucky through December 4, 2010.
21. On September 21, 2010, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation to reflect an amendment to the contract with Harrah’s Chester Downs, Pennsylvania for internet wagering and video streaming of the Finger Lakes Racing Association, Inc. races for Pennsylvania residents only.
22. **MONTICELLO RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 10, 2010, 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, LLC, Kentucky from September 11 through September 20, 2010.

23. On September 28, 2010, 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 Oak Tree Racing Association, Inc. at Hollywood Park, California from September 30 through October 31, 2010.
24. On September 28, 2010, 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:
  1. Hawthorne Race Course, Illinois through December 31, 2010
  2. Keeneland Association Inc. (Fall Meet), Kentucky from October 8 through October 30, 2010.
25. **MONTICELLO RACEWAY – EXPORT TO VARIOUS LOCATIONS IN 2010**  
On September 21, 2010, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation to reflect an amendment to the contract with Harrah’s Chester Downs, Pennsylvania for the conduct of internet wagering and video streaming of Monticello Raceway Mgmt, Inc.’s races for Pennsylvania residents only.
26. **NASSAU REGIONAL OTB – REQUEST TO CONDUCT ANNUAL “VIVA LAS VEGAS” HANDICAPPING CONTEST**  
On September 21, 2010, the New York State Racing and Wagering Board approved the September 13, 2010 Nassau Regional Off-Track Betting Corporation request to conduct the Nassau Off-Track Betting Corporation “Viva Las Vegas” Handicapping Contest from October 14 to October 30, 2010.
27. **NASSAU REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 28, 2010, the New York State Racing and Wagering Board approved an amendment to the Nassau Regional Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of the Prix de l’Arc de Triomphe to be run at Longchamp Race Course, Paris, France on October 3, 2010.
28. On September 30, 2010, the New York State Racing and Wagering Board approved amendments to the plans of operation of the Nassau Regional Off-Track Betting Corporation and the Suffolk Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Hawthorne Race Course, Illinois through December 31, 2010.
29. **NEW YORK CITY OTB – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 21, 2010, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York City Off-Track Betting Corporation to reflect the increased payment rate on Breeders Crown races to be run at Pocono Downs, Pennsylvania on October 9, 2010.

30. On September 21, 2010, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York City Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Keeneland Association Inc. (Fall Meet), Kentucky from October 8 through October 30, 2010.
31. On September 21, 2010, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York City Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Turf Paradise, Arizona through December 31, 2010.
32. On September 21, 2010, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York City Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Oak Tree Racing Association, Inc. at Hollywood Park, California from September 30 through October 31, 2010.
33. On September 28, 2010, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York City Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Hawthorne Race Course, Illinois through December 31, 2010.
34. On September 28, 2010, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York City Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Portland Meadows, Oregon from October 4 through December 29, 2010.
35. **NYRA – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 21, 2010, 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 Oak Tree Racing Association, Inc. at Hollywood Park, California from September 30 through October 31, 2010.
36. On September 21, 2010, 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 Keeneland Association Inc. (Fall Meet), Kentucky from October 8 through October 30, 2010.
37. On September 28, 2010, 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 Calder Race Course (Tropical Meet), Florida from October 21 through December 31, 2010.
38. On September 28, 2010, the New York State Racing and Wagering Board approved an amendment to The New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
  1. Portland Meadows, Oregon from October 4 through December 31, 2010
  2. Hawthorne Race Course, Illinois through December 31, 2010.

39. On September 29, 2010, 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 the Prix de l'Arc de Triomphe to be run at Longchamp Race Course, Paris, France on October 3, 2010. Approval was granted as well for advanced wagering on October 2, 2010 for the races on October 3, 2010.
40. **NYRA – EXPORT TO VARIOUS LOCATIONS IN 2010**  
On September 16, 2010, 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 Keeneland Association, Inc. (with thirteen [13] secondary sites), Kentucky from October 8 through October 30, 2010.
41. On September 16, 2010, the New York State Racing and Wagering Board approved The New York Racing Association request authorizing Catskill Regional Off-Track Betting Corporation to conduct internet wagering and offer a player's reward program on New York Racing Association races for the year 2010.
42. On September 16, 2010, 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 Oak Tree Racing Association (with thirty-one [31] secondary sites), California from September 30 through October 31, 2010.
43. **SARATOGA HARNESS – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 16, 2010, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from Zia Park, New Mexico.
44. On September 16, 2010, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
1. Beulah Park, Ohio through December 31, 2010
  2. Los Angeles County Fair at Fairplex Park, California through September 27, 2010.
45. On September 16, 2010, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from:
1. Harrah's Chester Downs, Pennsylvania
  2. Turfway Park, Kentucky.
46. On September 21, 2010, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from Delaware County Fair, Ohio.

47. On September 29, 2010, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Turf Paradise, Arizona through December 31, 2010.
48. On September 30, 2010, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Hawthorne Race Course, Illinois through December 31, 2010.
49. On October 1, 2010, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Oak Tree Racing Association, Inc. at Hollywood Park, California through October 31, 2010.
50. **SUFFOLK REGIONAL OTB – REQUEST TO CONDUCT “SECRETARIAT” PROMOTION**  
On September 28, 2010, the New York State Racing and Wagering Board approved the September 17, 2010 Suffolk Regional Off-Track Betting Corporation request to conduct the “Secretariat” promotion at all branches and Qwik-Bet locations during the week of September 27 through October 4, 2010.
51. **SUFFOLK REGIONAL OTB – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 16, 2010, 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 acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from:
  1. Cal-Expo, California
  2. Hazel Park, Michigan
  3. Remington Park, Oklahoma
  4. Saratoga Harness, New York
  5. Zia Park, New Mexico.
52. On September 28, 2010, 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 acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from:
  1. Delaware County Fair, Ohio
  2. Maywood Park, Illinois
  3. The Red Mile, Kentucky.
53. **TIOGA DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 16, 2010, 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 The Meadows, Pennsylvania through December 31, 2010.



54. On September 21, 2010, 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 Keeneland Association Inc. (Fall Meet), Kentucky from October 8 through October 30, 2010.
55. On October 1, 2010, 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 Oak Tree Racing Association, Inc. at Hollywood Park, California through October 31, 2010.
56. On October 1, 2010, 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 Hawthorne Racecourse, Illinois through December 31, 2010.
57. **VERNON DOWNS – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 16, 2010, 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 The Meadows, Pennsylvania through December 31, 2010.
58. On September 21, 2010, 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 Keeneland Association Inc. (Fall Meet), Kentucky from October 8 through October 30, 2010.
59. On October 1, 2010, 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 Oak Tree Racing Association, Inc. at Hollywood Park, California through October 31, 2010.
60. On October 1, 2010, 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 Hawthorne Racecourse, Illinois through December 31, 2010.
61. **VERNON DOWNS – EXPORT TO VARIOUS LOCATIONS IN 2010**  
On September 21, 2010, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation to reflect an amendment to the contract with Harrah’s Chester Downs, Pennsylvania for the conduct of internet wagering and video streaming of Vernon Downs’s races for Pennsylvania residents only.
62. **WESTERN REGIONAL OTB – CLOSURE OF 3270 LAKESHORE ROAD BRANCH – WOODLAWN, NY**  
On September 16, 2010, the New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation request to amend its plan of operation by closing its branch located at 3270 Lakeshore Road in Woodlawn in the Town of Hamburg, (Erie County) New York.

63. **WESTERN REGIONAL OTB – REQUEST TO OFFER “FALL HANDICAPPING CONTEST”**  
On September 28, 2010, the New York State Racing and Wagering Board approved the September 16, 2010 Western Regional Off-Track Betting Corporation request to conduct the “OTB Fall Handicapping Contest” from September 22 through October 27, 2010 with the finals on November 12, 2010.
64. **YONKERS RACEWAY – IMPORT OF VARIOUS LOCATIONS IN 2010**  
On September 16, 2010, 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 Northville Racing Corporation, Michigan from September 23 through November 20, 2010.
65. On September 16, 2010, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the acceptance of wagering via the internet and other electronic media and communications devices specifically approved by the Board from Remington Park, Oklahoma.
66. On September 16, 2010, 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 September 22 and September 23, 2010.
67. On September 28, 2010, 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 Oak Tree Racing Association, Inc. at Hollywood Park, California from September 30 through October 31, 2010.
68. On September 28, 2010, 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 December 31, 2010.
69. On September 28, 2010, 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 Race Course, Illinois from October 1 through December 31, 2010.

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

None.

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

**1. NASSAU REGIONAL OTB – NEW FAST TRACK – L&G BAREFOOT PEDDLER – GREENVALE**

The New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request to amend its plan of operation to include the operation of a Fast Track simulcast facility in the L & G Barefoot Peddler, Inc. located at 37 Glen Cove Road, Greenvale, New York 11548.

**2. NASSAU REGIONAL OTB – NEW FAST TRACK – EDISON’S ALE HOUSE (RICHBOURNE ASSOC., INC.) – MANHASSET**

The New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request to amend its plan of operation to include the operation of a Fast Track simulcast facility in the Richbourne Associates, Inc. d/b/a Edison’s Ale House located at 550 Plandome Road, Manhasset, New York 11030.

**3. WESTERN REGIONAL OTB/BATAVIA DOWNS – NEW CONCESSIONAIRE AT 228 HUNTLEY ROAD BRANCH - PHOENIX, NY**

The New York State Racing and Wagering Board approved the Western Regional Off-Track Betting Corporation’s request to amend its plan of operation to reflect a new concessionaire for the Phoenix branch, located at 228 Huntley Road, Phoenix, New York. The new concessionaire is Nicholas Phillip Chappell of North Syracuse, New York.

**4. SUFFOLK REGIONAL OTB – REQUEST TO AMEND ACCOUNT WAGERING RULES**

The New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation April 16, 2010 request to amend its previously approved Permanent Account Wagering Rules to waive the surcharge for wagers placed via the internet.

The Permanent Account Wagering Rules (paragraph 13) are amended to state, “Account holders who maintain a \$300 minimum account balance at the time of the wager receive surcharge free wagering, said surcharge is waived for wagers placed via the internet.”

**5. 2009 ADDITIONAL PAYMENTS – SECTION 1017.2.b**

The New York State Racing and Wagering Board directed Capital District Regional Off-Track Betting Corporation to pay a total amount of \$23,542 to its regional tracks (Saratoga Harness and Vernon Downs); Catskill Regional Off-Track Betting Corporation to pay a total amount of \$8,917 to its regional tracks (Yonkers, Monticello and Tioga); Nassau Regional Off-Track Betting Corporation to pay a total amount of \$48,743 to its regional tracks (Yonkers, Monticello and Tioga); Suffolk Regional Off-Track Betting Corporation to pay a total amount of \$17,516 to its regional tracks (Yonkers, Monticello and Tioga); and New York City Off-Track Betting Corporation to pay a total amount of \$150,090 to its regional tracks (Yonkers, Monticello and Tioga) for year 2009 pursuant to Section 1017.2.b of the Racing, Pari-Mutuel Wagering and Breeding Law.

The payments to the regional tracks are to be divided according to Section 1017.2.b.

The total amount due to the regional tracks was based on schedules, previously submitted to the Board by each corporation, which showed the handle for Out-of-State and Out-of-Country Thoroughbred Races conducted after 7:30 p.m. for January through December in 2009.

The Board directed and required that these payments be made no later than thirty (30) calendar days after October 22, 2010.

6. **2009 MAINTENANCE OF EFFORT PAYMENTS – SECTION 1017.2.a**

The New York State Racing and Wagering Board approved the schedules referenced in Section 1017.2.a of the Racing, Pari-Mutuel Wagering and Breeding Law that each Corporation submitted to the Board for 2009.

Following are listings of the amounts owed by each New York State Off -Track Betting Corporation to its regional tracks for 2009:

Capital District Regional Off-Track Betting Corporation

Saratoga Harness	\$389,169.11
Vernon Downs	<u>121,726.07</u>
	\$510,895.18

Catskill Regional Off-Track Betting Corporation

Monticello Raceway	\$113,629.90
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Nassau Regional Off -Track Betting Corporation

Yonkers Raceway	\$473,184.89
Monticello Raceway	<u>98,197.55</u>
	\$571,382.44

New York City Regional Off -Track Betting Corporation

Yonkers Raceway	\$2,072,524.00
Monticello Raceway	<u>777,480.94</u>
	\$2,850,004.94

Suffolk Regional Off -Track Betting Corporation

Monticello Raceway	\$14,446.72
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The Board directed and required that these payments be made no later than thirty (30) calendar days after October 22, 2010.

7. **BUFFALO RACEWAY – REQUEST TO WITHDRAW \$26,500.00 FROM CIF**

The New York State Racing and Wagering Board approved the Buffalo Raceway request to withdraw a total of \$26,500.00 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditure:

**Backstretch (100%)**

CAT Grader For Track

\$26,500.00

Total CIF Request

\$26,500.00

8. **SUFFOLK REGIONAL OTB – APPOINTMENT OF NEW VICE PRESIDENT – PANCELLA**

The New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation plan of operation to reflect the appointment of Anthony Pancella, III as Vice President.

9. **NASSAU REGIONAL OTB – APPOINTMENT OF NEW COMPTROLLER - SCHIAVONE**

The New York State Racing and Wagering Board conditionally approved an amendment to the Nassau Regional Off-Track Betting Corporation plan of operation to reflect the appointment of Michelle Schiavone as Comptroller, subject to completion of the suitability review. The condition was satisfied and as such, the plan of operation amendment reflecting this appointment became effective on October 22, 2010.

10. **PROPOSED RULEMAKING – TCO2 RULE**

The New York State Racing and Wagering Board approved proposed amendments to the existing TCO2 rules. The following substantive changes were proposed:

- 4120.13(a) Ends the extra 2 mmol/L (39 not 37) for lasix horses after 4 hours
- 4120.13(b) Slight changes to length of quarantine; permits pre-arranged split samples
- 4120.13(e) TCO2 positive horse must test negative to end its 6-month pre-race detention
- 4120.14(b) Detention period for owners reduced from 8 months to 4 months
- 4120.14(b) Provided an owner a 10-day “safe harbor” to move horses after trainer has first TCO2.

11. **PROPOSED RULEMAKING – ANABOLIC STEROID RULE**

The New York State Racing and Wagering Board approved proposed amendments to the existing Anabolic Steroid Rule to add or review the plasma thresholds to the existing rule.

12. **IN THE MATTER OF THE PRE-RACE DETENTION OF “STEUBEN N”**

The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Clemente J. Parente and denied the appeal of owner John F. Lyddy of the order issued which required the horse “Steuben N” to undergo six (6) months of pre-race detention as the result of an excessive pre-race TCO2 level.

13. **IN THE MATTER OF GARTH N. PENNINGTON**

The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Clemente J. Parente and revoked Mr. Pennington’s harness racing groom’s license and not permit Mr. Pennington to obtain a license (with conditions) until three (3) months following proof of satisfactory completion of treatment for substance abuse.

14. **IN THE MATTER OF PRE-RACE DETENTION OF FIVE HORSES TRAINED BY JOSEPH GUARINO, PURSUANT TO RULE 4120.14(b) (MULTIPLE TCO2s)**  
The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Clemente J. Parente to deny the appeals and affirm the decision of the Presiding Judge, which ordered the pre-race detention of the horses.
15. **SARATOGA HARNESS – PEACE OFFICERS**  
The New York State Racing and Wagering Board granted the Saratoga Harness Racing, Inc. request for the appointment of Edward F. Moore and Warren G. Wildy as special policemen within and around the grounds of Saratoga Gaming and Raceway.

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

1. **GAMES OF CHANCE/BELL JAR TICKETS**  
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between September 1, 2010 and September 30, 2010.
2. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**  
List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from August 23, 2010 through October 1, 2010.
3. **2010 LICENSED SUPPLIERS**  
There were no licenses issued for the time period of September 1, 2010 through September 30, 2010.
4. **LICENSING/CURRENT LICENSE COUNT**  
The current racing licensing counts as of September 30, 2010 since January 1, 2010 were as follows: total receipts 13,842 and total licenses 11,609 for the year 2010.
5. **INDIAN GAMING/LICENSING STATISTICS**  
Licensing statistics for September 1, 2010 through September 30, 2010. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.

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

None.

**The meeting adjourned at 11:44 a.m.**