



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF APRIL 30, 2009**

A meeting of the New York State Racing and Wagering Board was held on Thursday, April 30, 2009 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 11:04 a.m.

In Attendance Were:

John D. Sabini, Chairman
Daniel D. Hogan, Member
John B. Simoni, 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:

Joseph Mahoney, NYSR&WB
Kristen Buckley, NYSR&WB
Vivian Davis, NYSR&WB
Bill Sekellick, Assistant Counsel
Rick Goodell, Assistant Counsel
Stacy Harvey, Assistant Counsel
John Googas, NYSR&WB
Jonathan Boyce, NYSR&WB Intern
Jason Settlemoir, Tioga Downs & Vernon Downs
Robert Hemsworth, Capital OTB
Richard Burstein, Nolan & Heller
John Matarazzo, Saratoga Gaming and Raceway
Richard Pfeiffer, Guest

OPEN COMMENT PERIOD: Comments were received at the end of the meeting and follow the F. Section in the minutes.

A. The Board approved the minutes of the Board meeting held on March 26, 2009.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. BUFFALO RACEWAY – REQUEST TO IMPORT TO VARIOUS LOCATIONS IN 2009

For entry into the minutes, on March 26, 2009, 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 Harrington Raceway, Delaware through December 31, 2009.

2. For entry into the minutes, on March 26, 2009, 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., Kentucky through May 1, 2009.

3. For entry into the minutes, on April 7, 2009, 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:

1. Tioga Downs, New York from May 2 through December 31, 2009
2. Vernon Downs, New York from April 7 through December 31, 2009.

4. For entry into the minutes, on April 7, 2009, 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 Charles Town Races, West Virginia through December 31, 2009.

5. For entry into the minutes, on April 7, 2009, 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 Finger Lakes Racing Association, Inc., New York from April 17, 2009 through December 5, 2009.

6. CAPITAL DISTRICT REGIONAL OTB – APRIL 2009 PROMOTIONS

For entry into the minutes, on March 26, 2009, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct the promotions specified in the March 19, 2009 application to the Board.

7. **CAPITAL DISTRICT REGIONAL OTB – NORTH COUNTRY PIZZERIA – GLENS FALLS**
For entry into the minutes, on March 26, 2009, the New York State Racing and Wagering board approved an amendment to the Capital OTB plan of operation to reflect the closure of the North Country Pizzeria concessionaire at the Capital OTB branch located in Glens Falls, NY. This Capital OTB branch in the City of Glens Falls will no longer have a concessionaire.

8. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO ALLOW MINORS INTO TELETHEATER FOR FUND RAISER**
For entry into the minutes, on April 1, 2009, the New York State Racing and Wagering Board approved the March 31, 2009 request of Capital District Regional Off-Track Betting Corporation to conduct a fundraising event on April 4, 2009 in the Capital Room at the Albany teletheater. This approval is conditioned upon strict compliance with terms set forth in the application to the Board including the following:
 - No wagering is permitted in the Capital Room at any time during the event
 - Any minors present in the Teletheater will be restricted to the Capital Room.

9. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District OTB Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Plainridge Racecourse, Massachusetts through November 28, 2009.

10. **FINGER LAKES RACETRACK – APRIL 2009 PROMOTIONS**
For entry into the minutes, on March 31, 2009, the New York State Racing and Wagering Board approved the March 27, 2009 Finger Lakes Racetrack request to conduct the Lucky Numbers Direct Mailing promotion/drawing on April 17 & 18, 2009.

11. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association simulcast plan of operation authorizing participation in the third pool of the 2009 Derby Future Wagers on the Kentucky Derby to be run at Churchill Downs, Kentucky. This approval includes Kentucky Derby Future Exacta Wagering.

12. For entry into the minutes, on March 26, 2009, 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 Woodbine Entertainment Group (Woodbine Racetrack/Mohawk Raceway), Ontario, Canada during the year 2009.

13. For entry into the minutes, on March 31, 2009, 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 Keeneland Association Inc. (Spring Meet) Kentucky, from April 3, 2009 through April 24, 2009.
14. **FINGER LAKES RACETRACK – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 19, 2009, 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 Western Regional Off-Track Betting Corporation, New York through December 31, 2009.
15. For entry into the minutes, on March 19, 2009, 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 seven specified Atlantic City Casinos, New Jersey through December 31, 2009.
16. For entry into the minutes, on March 26, 2009, 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 Woodbine Entertainment Group and specified secondary or associate sites, Ontario, Canada through December 31, 2009.
17. For entry into the minutes, on March 26, 2009, 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 Picov Downs Inc., Ontario, Canada through December 31, 2009.
18. For entry into the minutes, on March 26, 2009, 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:
 1. Georgian Downs (with two [2] secondary sites), Ontario, Canada through December 31, 2009
 2. Flamboro Downs (with five [5] secondary sites), Ontario, Canada through December 31, 2009.
19. For entry into the minutes, on April 7, 2009, 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 the following sites from April 17, 2009 through December 5, 2009:
 1. Saratoga Gaming & Raceway, New York
 2. Buffalo Trotting Association, Inc., New York
 3. Suffolk Regional Off-Track Betting Corporation, New York.

20. For entry into the minutes, on April 7, 2009, 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 Yonkers Raceway, New York from April 17, 2009 through December 5, 2009.
21. For entry into the minutes, on April 7, 2009, 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 Hazel Park, Michigan from April 17, 2009 through December 5, 2009.
22. For entry into the minutes, on April 7, 2009, 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 the following tracks from April 17 through December 5, 2009:
 1. Attractions Hippiques (with twenty [20] secondary sites), Quebec, Canada
 2. Assiniboia Downs (with eight [8] secondary sites), Manitoba, Canada.
23. For entry into the minutes, on April 7, 2009, 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 Sports Creek Raceway, Michigan from April 17, 2009 through December 5, 2009.
24. For entry into the minutes, on April 7, 2009, 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 TBC Teletheatre BC (with twenty two [22] secondary sites), British Columbia, Canada from April 17, 2009 through December 31, 2009.
25. For entry into the minutes, on April 7, 2009, 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 Monticello Raceway Mgmt, Inc., New York from April 17, 2009 through December 5, 2009.
26. For entry into the minutes, on April 7, 2009, 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 the following tracks from April 17, 2009 through December 5, 2009:
 1. Orangeville Raceway (with one [1] secondary site), British Columbia, Canada
 2. Hastings Entertainment, Inc., British Columbia, Canada.
27. For entry into the minutes, on April 7, 2009, 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 The New York Racing Association, Inc., New York from April 17, 2009 through December 5, 2009.

28. For entry into the minutes, on April 7, 2009, 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 the following tracks from April 17 through December 5, 2009:
 1. Marquis Downs (with five [5] secondary sites), Saskatchewan, Canada
 2. Grand River Agricultural Society (with five [5] secondary sites), Ontario, Canada
 3. Clinton Raceway, Inc., Ontario, Canada
 4. Hanover, Bentink & Brant Agricultural Society, Ontario, Canada.
29. For entry into the minutes, on April 7, 2009, 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 Grande Prairie Regional Agricultural & Exhibition Society, Alberta, Canada from April 17, 2009 through December 31, 2009.
30. For entry into the minutes, on April 7, 2009, 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 Northlands Park (with forty one [41] secondary sites), Alberta, Canada through December 31, 2009.
31. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**

For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Grand River Agricultural Society, Ontario, Canada from April 13 through October 26, 2009.
32. For entry into the minutes, on March 20, 2009, 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 Hoosier Park (Track Net Media Group), Indiana from March 25, 2009 through July 12, 2009.
33. For entry into the minutes, on March 26, 2009, 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 FR Park Racing (Freehold Raceway), New Jersey through April 30, 2009.
34. **MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**

For entry into the minutes, on March 26, 2009, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its harness racing programs for wagering purposes during the year 2009 to Sol Mutuel Limited, Grenada.

35. **NASSAU REGIONAL OTB – REQUEST TO OFFER RANDOM DRAWING FOR OPENING A TELEPHONE ACCOUNT**
For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request to conduct a new telephone account incentive promotion from March 27 until June 5, 2009.
36. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of each New York State off-track betting corporation authorizing the simulcast for wagering purposes of races from Pocono Downs, Pennsylvania during the year 2009.
37. For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved an amendment to the New York City OTB Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Indiana Downs (Thoroughbred Meet), Indiana from April 20, 2009 through July 15, 2009.
38. **NYRA – REQUEST TO CONDUCT 2009 HANDICAPPING CHALLENGES**
For entry into the minutes, on April 8, 2009, the NYS Racing and Wagering Board approved the New York Racing Association request to conduct the 2009 Belmont Handicapping Challenge at Belmont Park on June 27 and 28, 2009 and the 2009 Aqueduct Racetrack Handicapping Challenge at Aqueduct Racetrack on November 15 and 16, 2009.
39. **NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 19, 2009, 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. Woodbine Entertainment Group, Ontario, Canada from April 4, 2009 through December 6, 2009
 2. Nad al Sheba Race Course, the Dubai World Cup Day (Track Net Media Group), Dubai on March 28, 2009.
40. For entry into the minutes, on March 31, 2009, 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. (Spring Meet), Kentucky, from April 3, 2009 through April 24, 2009.
41. For entry into the minutes, on April 8, 2009, 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 Finger Lakes Racing Association, Inc., New York from April 17, 2009 through December 5, 2009.

42. For entry into the minutes, on April 8, 2009, 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 Lone Star Park, Texas from April 9, 2009 through July 26, 2009.
43. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved The New York Racing Association’s request to simulcast its thoroughbred racing programs for wagering purposes via auspices of Simulcast Services LLC to the following tracks from May 15 through December 31, 2009:
1. Gulf Greyhound Park (with two [2] secondary sites), Texas
 2. Cypress Bayou Casino, Louisiana
 3. Manor Downs, Texas
 4. Bluffs Run Greyhound Park, Iowa
 5. Fair Meadows, Oklahoma.
44. For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved The New York Racing Association’s request to simulcast its thoroughbred racing programs for wagering purposes to the following tracks through December 31, 2009:
1. Columbus Races, Nebraska
 2. Nebraska State Fair Park, Nebraska.
45. For entry into the minutes, on March 19, 2009, 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 US Off-Track, LLC, North Dakota through December 31, 2009.
46. For entry into the minutes, on March 20, 2009, the New York State Racing and Wagering Board approved The New York Racing Association’s request to simulcast its thoroughbred racing programs for wagering purposes to Emerald Downs (with fourteen [14] secondary sites), Washington through December 31, 2009.
47. For entry into the minutes, on March 26, 2009, the New York State Racing and Wagering Board approved The New York Racing Association’s request to simulcast its thoroughbred racing programs for wagering purposes to Saratoga Gaming & Raceway, New York from July 29, 2009 through September 7, 2009.
48. For entry into the minutes, on April 3, 2009, the New York State Racing and Wagering Board approved The New York Racing Association’s request to simulcast its thoroughbred racing programs for wagering purposes to Keeneland Association, Inc. (with thirteen [13] secondary sites), Kentucky during the year 2009. This approval is limited to the periods of time when Keeneland is the host track as reflected in the rates set forth in the Agreement.

49. For entry into the minutes, on April 8, 2009, the New York State Racing and Wagering Board approved The New York Racing Association's request to simulcast its thoroughbred racing programs for wagering purposes to Yavapai Downs (with fifty-five [55] secondary sites), Arizona from May 23, 2009 through September 8, 2009.
50. For entry into the minutes, on April 8, 2009, the New York State Racing and Wagering Board approved The New York Racing Association's request to simulcast its thoroughbred racing programs for wagering purposes to Horse Racing New Brunswick Inc. (with three [3] secondary sites), New Brunswick, Canada during the year 2009.
51. For entry into the minutes, on April 8, 2009, the New York State Racing and Wagering Board approved The New York Racing Association's request to simulcast its thoroughbred racing programs for wagering purposes to Tampa Bay Downs (with eighteen [18] secondary sites), Florida from April 24 through May 3, 2009.
52. For entry into the minutes, on April 8, 2009, 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 Montana Entertainment LLC, (with eight [8] secondary sites), California through December 31, 2009.
53. **SARATOGA HARNESS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 19, 2009, 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 Downs Racing, L.P. d/b/a Mohegan Sun at Pocono Downs, Pennsylvania from April 1, 2009 through November 21, 2009.
54. For entry into the minutes, on March 27, 2009, 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 Freehold Raceway, New Jersey through April 30, 2009.
55. For entry into the minutes, on March 31, 2009, 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 Keeneland Association Inc. (Spring Meet), Kentucky, from April 3, 2009 through April 24, 2009.
56. **SUFFOLK REGIONAL OTB – REQUEST TO OFFER PROMOTIONS FOR KENTUCKY DERBY DAY**
For entry into the minutes, on March 26, 2009, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation's March 18, 2009 request to conduct a Kentucky Derby Day promotion on Saturday, May 2, 2009 at all fourteen (14) branches.

57. **TIOGA DOWNS & VERNON DOWNS – REQUEST FOR NATIONAL HARNESS HANDICAPPING CONTEST**
For entry into the minutes, on March 26, 2009, the NYS Racing and Wagering Board approved applications of the American Racing-Tioga Downs, Inc. and the American Racing-Vernon Downs, Inc to conduct a separate National Harness Handicapping Contests at Tioga Downs on April 4, 2009 and at Vernon Downs on March 28, 2009 on races one through five at the Meadowlands and races six through ten at Yonkers Raceway.
58. **TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 26, 2009, 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 Indiana Downs (Thoroughbred Meet), Indiana from April 20, 2009 through July 15, 2009.
59. For entry into the minutes, on March 31, 2009, 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. (Spring Meet), Kentucky from April 3, 2009 through April 24, 2009.
60. For entry into the minutes, on April 8, 2009, 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 Harrington Raceway, Inc., Delaware from April 19, 2009 through October 29, 2009.
61. For entry into the minutes, on April 8, 2009, 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 Downs Racing, L.P. d/b/a Mohegan Sun at Pocono Downs, Pennsylvania from April 1, 2009 through November 21, 2009.
62. For entry into the minutes, on April 8, 2009, 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 Chester Downs & Marina, L.L.C., d/b/a Harrah's Chester Casino & Racetrack, Pennsylvania from April 13, 2009 through November 23, 2009.
63. **TIOGA DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes from May 2, 2009 through December 31, 2009 to Saratoga Raceway, New York.
64. For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes from May 2, 2009 through December 31, 2009 to:

1. Penn National Gaming, Inc. (with eleven [11] secondary sites), Pennsylvania
 2. Lewiston Raceways, Inc. (with four [4] secondary sites), Maine
 3. Indiana Downs (with two [2] secondary sites), Indiana
 4. Freehold Raceway (with two [2] secondary sites), New Jersey.
65. For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes from May 2, 2009 through December 31, 2009 to:
1. Scioto Downs, Ohio
 2. Presque Isle Downs, Pennsylvania
 3. Pompano Park, Florida
 4. Pocono Downs (with four [4] secondary sites), Pennsylvania.
66. For entry into the minutes, on March 26, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes from May 2, 2009 through December 31, 2009 to:
1. The Racing Network International (TRNI with eleven [11] secondary sites), Pennsylvania
 2. The Racing Channel (with three [3] secondary sites), Oregon.
67. For entry into the minutes, on March 27, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to Racing & Gaming Services, St. Kitts, West Indies from May 2, 2009 through December 31, 2009.
68. For entry into the minutes, on March 27, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to Buffalo Trotting Association, New York from May 2, 2009 through December 31, 2009.
69. For entry into the minutes, on March 27, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to Youbet.com, Inc., California and Oregon from May 2, 2009 through December 31, 2009.
70. For entry into the minutes, on April 8, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes from May 2, 2009 through December 31, 2009 to Nassau Regional Off-Track Betting Corporation and Suffolk Regional Off-Track Betting Corporation, New York.
71. **VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
 For entry into the minutes, on March 26, 2009, 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 Indiana Downs (Thoroughbred Meet), Indiana from April 20, 2009 through July 15, 2009.

72. For entry into the minutes, on March 26, 2009, 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 Plainridge Racecourse, Massachusetts through November 28, 2009.
73. For entry into the minutes, on March 31, 2009, 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. (Spring Meet), Kentucky from April 3, 2009 through April 24, 2009.
74. For entry into the minutes, on April 8, 2009, 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 Harrington Raceway, Inc., Delaware from April 19, 2009 through October 29, 2009.
75. For entry into the minutes, on April 8, 2009, 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 Downs Racing, L.P. d/b/a Mohegan Sun at Pocono Downs, Pennsylvania from April 1, 2009 through November 21, 2009.
76. For entry into the minutes, on April 8, 2009, 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 Chester Downs & Marina, L.L.C., d/b/a Harrah's Chester Casino & Racetrack, Pennsylvania from April 13, 2009 through November 23, 2009.
77. **VERNON DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
 For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes from April 7, 2009 through December 31, 2009 to Saratoga Raceway, New York.
78. For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes from April 7, 2009 through December 31, 2009 to:
1. Penn National Gaming, Inc. (with eleven [11] secondary sites), Pennsylvania
 2. Lewiston Raceways, Inc. (with four [4] secondary sites), Maine
 3. Indiana Downs (with two [2] secondary sites), Indiana
 4. Freehold Raceway (with two [2] secondary sites), New Jersey.
79. For entry into the minutes, on March 19, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes from April 7, 2009 through December 31, 2009 to:

1. Scioto Downs, Ohio
 2. Presque Isle Downs, Pennsylvania
 3. Pompano Park, Florida
 4. Pocono Downs (with four [4] secondary sites), Pennsylvania.
80. For entry into the minutes, on March 26, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes from April 7, 2009 through December 31, 2009 to:
1. The Racing Network International (TRNI with eleven [11] secondary sites), Pennsylvania
 2. The Racing Channel (with three [3] secondary sites), Oregon.
81. For entry into the minutes, on March 27, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Racing & Gaming Services, St. Kitts, West Indies from May 2, 2009 through December 31, 2009.
82. For entry into the minutes, on March 27, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Buffalo Trotting Association, New York from April 7, 2009 through December 31, 2009.
83. For entry into the minutes, on March 27, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Youbet.com, Inc., California and Oregon.
84. For entry into the minutes, on April 8, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes from April 17, 2009 through November 7, 2009 to Nassau Regional Off-Track Betting Corporation and Suffolk Regional Off-Track Betting Corporation, New York.
85. **YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
 For entry into the minutes, on March 26, 2009, 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. FR Park Racing (Freehold Raceway), New Jersey through March 31, 2009
 2. Charles Town Races, West Virginia through December 31, 2009.
86. For entry into the minutes, on March 26, 2009, 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 Assiniboia Downs, Manitoba, Canada from May 10 through September 12, 2009.

87. For entry into the minutes, on March 26, 2009, 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 Plainridge Racecourse, Massachusetts through November 28, 2009.
88. For entry into the minutes, on March 31, 2009, 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 Keeneland Association Inc. (Spring Meet), Kentucky from April 3, 2009 through April 24, 2009.
89. For entry into the minutes, on March 31, 2009, 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 FR Park Racing (Freehold Raceway), New Jersey through April 30, 2009.
90. For entry into the minutes, on April 3, 2009, 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. Harrington Raceway, Delaware from April 19, 2009 through October 29, 2009
 2. Downs Racing, L.P. d/b/a Mohegan Sun at Pocono Downs, Pennsylvania from April 1, 2009 through November 21, 2009.
91. For entry into the minutes, on April 8, 2009, 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 Lone Star Park, Texas from April 9, 2009 through July 26, 2009.
92. For entry into the minutes, on April 8, 2009, 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 Northwest Racing Associates LP, dba Emerald Downs, Washington from April 17, 2009 through September 27, 2009.
93. For entry into the minutes, on April 8, 2009, 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 Grand River Raceway, Ontario, Canada through December 31, 2009.
94. For entry into the minutes, on April 8, 2009, 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 Finger Lakes Racing Association, New York from April 17, 2009 through December 5, 2009.
95. For entry into the minutes, on April 8, 2009, 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 Indiana Downs (Thoroughbred Meet), Indiana from April 20, 2009 through July 15, 2009.

96. For entry into the minutes, on April 8, 2009, 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. Tioga Downs, New York from May 2, 2009 through September 12, 2009
2. Vernon Downs, New York from April 17, 2009 through November 7, 2009.

97. **YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**

For entry into the minutes, on March 26, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to Indiana Downs (with two [2] secondary sites), Indiana through December 31, 2009.

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

1. **NEW YORK CITY OTB – APPOINTMENT OF NEW MEMBERS OF THE BOARD OF DIRECTORS – TIMOTHY GILCHRIST AND SYLVIA HAMER**

For entry into the minutes, on March 26, 2009, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation's plan of operation to reflect the appointment of Timothy Gilchrist and Sylvia Hamer as members of the Board of Directors of the New York City Off-Track Betting Corporation.

2. **TIOGA DOWNS – REQUEST TO BUILD HANDICAP SEATING AREA IN GRANDSTANDS**

For entry into the minutes, on April 2, 2009, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 322, the New York State Racing and Wagering Board approved the request by American Racing-Tioga Downs, Inc. to build a handicapped seating area in the grandstand at Tioga Downs, as described in the application and the Town of Vernon building permit dated April 1, 2009.

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

1. **TIOGA DOWNS – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board assigned to Tioga Downs the race dates requested for the month of May, 2009 only.

2. **BATAVIA DOWNS/WESTERN REGIONAL OTB – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board granted the Western Regional Off-Track Betting Corporation simulcast license for 2009 for thirty-eight (38) simulcast branches, seven (7) remote-type facilities, and one teletheater.

The 2009 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 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, 2009.
 - b. Rule 5100.2(b)(1), which requires that the totalizator system be in compliance with Rule 4100.24(l)-Independent Monitoring System.

The New York State Racing and Wagering Board approved plans relating to the Magnetic Media Storage (Rule 5100.5), Totalizator Room Security (Rule 5100.23[d]), and Posting of Race Results (Rule 5100.11).

The Board deferred action on the track license application.

3. **SUFFOLK REGIONAL OTB – NEW QWIK BET – DREAM TEAM TAVERN (TOMMY’S PLACE) – PORT JEFFERSON**

-and-

SUFFOLK REGIONAL OTB – NEW QWIK BET –42 BROADWAY TAVERN (TOMMY’S PLACE AT ROCKY POINT) – ROCKY POINT

The New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation simulcast plan of operation authorizing two new Qwik Bet simulcast facilities. The first is located in Port Jefferson, N.Y. at the Dream Team Tavern Corporation d/b/a Tommy’s Place at 109 Main Street. The second is located in Rocky Point, N.Y. at the 42 Broadway Tavern Corporation d/b/a Tommy’s Place at Rocky Point at 42 Broadway.

Approval is conditioned upon the satisfactory results of federal fingerprint based criminal history reviews.

4. **VERNON DOWNS – DEMOLITION OF SIX BARNES ON THE BACKSTRETCH**
Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 322, on April 30, 2009, the New York State Racing and Wagering Board approved the American Racing-Vernon Downs Inc. February 13, 2009 request to demolish six barns (Barns 10, 12, 22, 24, 25 and 26) located on the grounds of Vernon Downs.

5. **NOTICE OF ADOPTION – BONUS BALL BINGO**

The New York State Racing and Wagering Board approved the adoption of an amendment to Board Rule 5800.1 and new section 5820.57 to conform the Board’s Bingo regulations with Section 476 of the General Municipal Law, which was amended in 2007 to authorize a new game known as Bonus Ball Bingo.

6. **IN THE MATTER OF JEREMY J. HOWARD IN THE MATTER OF JOHN FINCKE & JOEL WARNER**

The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Russell H. Baller, Jr. and suspended the harness racing trainer license of Jeremy J. Howard for sixty (60) days and fined him \$1,000 in relation to the reported excessive TCO2 level finding for the horse ALBERT CHIEF A, trained by him, which competed at Yonkers Raceway on August 23, 2008, in violation of Board Rules 4120.13 and 4120.4.

The Board upheld the recommendation of Hearing Officer Russell H. Baller, Jr. to dismiss the appeal of Messrs. Fincke and Warner, owners of ALBERT CHIEF A, from the Order placing ALBERT CHIEF A on the six-month pre-race detention ordered for the horse based on the TCO2 finding. The Order was reinstated.

7. **IN THE MATTER OF MICHAEL REPOLE'S APPEAL OF THE STEWARDS' RULING VOIDING HIS CLAIM OF WEST COAST FLIER**

The New York State Racing and Wagering Board upheld the recommendation of Hearing Officer Russell H. Baller, Jr., and dismissed the appeal of Repole Stable from the stewards' ruling, which voided the Repole Stable claim of WEST COAST FLIER from the Aqueduct Race Track seventh race on January 30, 2009.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **CAPITAL DISTRICT REGIONAL OTB – PLAYER REWARDS 2008 FOURTH QUARTER RESULTS**

The reports for the fourth quarter (October-December) of 2008 were filed on February 2, 2009.

2. **INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for March 1, 2009 through March 31, 2009. Also included are the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.

3. **FINGER LAKES RACETRACK – CASH CARD AUDIT**

On August 30, 2007, the New York State Racing and Wagering Board approved Finger Lakes Racing Association's request to implement the use of E-Z Bet Cards. The Board conditioned the approval on the filing of a report prepared by an independent certified public accountant expressing an opinion directly on the effectiveness of the internal controls over the Cash Card system. The report was filed.

4. **SARATOGA HARNESS – CASH CARD AUDIT**

On July 31, 2007, the New York State Racing and Wagering Board approved Saratoga Harness Racing Inc.'s request to implement the use of Cash Cards. The Board conditioned the approval on the filing of a report prepared by an independent certified public accountant expressing an opinion directly on the effectiveness of the internal controls over the Cash Card system. The report was filed.

5. **GAMES OF CHANCE/BELL JAR TICKETS**
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between March 1, 2009 through March 31, 2009.
6. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**
List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from March 7, 2009 through April 6, 2009.
7. **LICENSING/CURRENT LICENSE COUNT**
The current racing licensing counts as of March 31, 2009 since January 1, 2009 were as follows: total receipts 3,240 and total licenses 2,329 for the year 2009.
8. **2009 LICENSED SUPPLIERS**
List of licensed suppliers – manufacturers’ and distributors’ licenses issued for the time period of March 1, 2009 through March 31, 2009.
9. **WESTERN REGIONAL OTB – REAPPOINTMENT OF BOARD DIRECTOR – CAROLE L. BUTLER**
Ms. Butler was reappointed as the Wyoming County director for a term ending December 31, 2010

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

OPEN COMMENT PERIOD:

Comments began: 11:25 a.m.

Richard Burstein, attorney for Saratoga Gaming and Raceway, informed the Board that Saratoga Gaming and Raceway and Capital District Regional OTB had reached an agreement in regard to in-home simulcasting.

Robert Hemsworth, attorney for Capital OTB confirmed Mr. Burstein’s statement and explained that they will fax a copy of the fully executed agreement once it has been signed.

Comments ended: 11:30 a.m.

The meeting adjourned at 11:30 a.m.