



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF NOVEMBER 10, 2009**

A meeting of the New York State Racing and Wagering Board was held on Tuesday, November 10, 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 11:09 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, Audits & Investigations
Gail Pronti, Secretary to the Board

Also in Attendance Were:

Kenneth Council, Director of Administration
Joseph Mahoney, NYSR&WB
Kristen Buckley, NYSR&WB
Vivian Davis, NYSR&WB
William Sekellick, NYSR&WB
George Casale, SOANY
Richard Burstein, Saratoga Gaming & Raceway
John Matarazzo, Saratoga Gaming & Raceway
James Crane, Crane, Parente

OPEN COMMENT PERIOD: George Casale of the SOA of NY expressed SOA support for the amendment to Harness Rule 4108.8 – New York Preference.

A. The Board approved the minutes of the Board meeting held on September 22, 2009.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

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

For entry into the minutes, on September 9, 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. The Delaware County Fair, Ohio on September 23 and September 24, 2009
2. The Red Mile, Kentucky through October 10, 2009.

2. For entry into the minutes, on September 29, 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. (Fall Meet), Kentucky from October 9 through October 31, 2009.

3. For entry into the minutes, on October 8, 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 Oak Tree Racing Association, Inc. at Santa Anita Park, California through November 8, 2009.

4. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER POWER NETWORKING BREAKFAST PROMOTION

For entry into the minutes, on September 3, 2009, the New York State Racing and Wagering board approved the September 2, 2009 application by the Capital District Regional Off-Track Betting Corporation to conduct the drawing and distribute the betting vouchers associated with the September 18, 2009 “Power Networking Breakfast” at the Albany Teletheater.

5. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR APPROVAL OF SEPTEMBER 2009 PROMOTIONS

For entry into the minutes, on September 10, 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 September 1, 2009 application, as amended on September 10, 2009.

6. **CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR APPROVAL OF OCTOBER & NOVEMBER 2009 EVENTS**
For entry into the minutes, on October 2, 2009, the New York State Racing and Wagering Board approved the September 28, 2009 application by the Capital District Regional Off-Track Betting Corporation to conduct the specified promotions during October and November, 2009.
7. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO HOST A RACING HAPPY HOUR EVENT WITH TALK 1300 AM**
For entry into the minutes, on October 8, 2009, the New York State Racing and Wagering Board approved the October 5, 2009 application by the Capital District Regional Off-Track Betting Corporation to conduct a Capital OTB/Talk 1300AM Racing Happy Hour event with Knockout Challenge at the Albany Teletheater on Friday, October 16, 2009.
8. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER FALL HANDICAPPING CHALLENGE**
For entry into the minutes, on October 19, 2009, the New York State Racing and Wagering Board approved the October 15, 2009 application by the Capital District Regional Off-Track Betting Corporation to conduct a Fall Challenge Handicapping Contest on Saturday, November 28 and Sunday, November 29, 2009.
9. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER PICK 6 PROMOTIONS ON BREEDERS’ CUP DAY**
For entry into the minutes, on October 19, 2009, the New York State Racing and Wagering Board approved the October 6, 2009 application (as supplemented on October 19, 2009) by the Capital District Regional Off-Track Betting Corporation on behalf of itself and the other five New York City State off-track betting corporations to conduct the New York State OTB Pick 6 Breeder’s Cup Challenge promotion on Saturday, November 7, 2009.
10. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on September 3, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional OTB Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Kentucky Downs, LLC, Kentucky on September 19, 21, 26 and 28, 2009.
11. **CATSKILL REGIONAL OTB – REQUEST TO OFFER SEPTEMBER REGIONAL HANDICAPPING CHALLENGE**
For entry into the minutes, on September 11, 2009, the New York State Racing and Wagering Board approved the September 4, 2009 Catskill Regional Off-Track Betting Corporation request to conduct the Catskill September Regional Handicapping Challenge on September 12, 2009.

12. **CATSKILL REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on October 2, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of Catskill OTB Corporation and Western Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Hawthorne Race Course, Illinois through December 31, 2009.
13. For entry into the minutes, on October 2, 2009, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Catskill OTB Corporation authorizing the simulcast for wagering purposes of races from Turf Paradise, Arizona through December 31, 2009.
14. For entry into the minutes, on October 23, 2009, the New York State Racing and Wagering Board approved an amendment to the Catskill Regional Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Beulah Park, Ohio through December 31, 2009.
15. **FINGER LAKES RACETRACK – REQUEST TO ALLOW EQUIBASE TO DISPLAY VIDEO REPLAYS IN COMMERCIAL PRODUCTS**
For entry into the minutes, on September 15, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association Inc. request authorizing Equibase Company LLC to use digital video race replays of Finger Lake’s hosted live races in all of Equibase’s commercial products. The approval also extends to Equibase’s wholly owned subsidiary Axcis Information Network, Inc.
16. **FINGER LAKES RACETRACK – REQUEST TO CONDUCT \$30,000 CHARITY CUP EVENT IN OCTOBER 2009**
For entry into the minutes, on September 22, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to conduct the \$30,000 Finger Lakes “Charity Cup” on Saturday, October 3, 2009.
17. **FINGER LAKES RACETRACK – REQUEST TO CHANGE RACE DATES**
For entry into the minutes, on October 14, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to cancel racing on Thursday, October 22, 2009 and add Thursday, December 3, 2009 to their 2009 schedule as a replacement date.
18. **FINGER LAKES RACETRACK – REQUEST TO CHANGE POST-TIME ON NOVEMBER 7, 2009**
For entry into the minutes, on October 23, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to change the first race post-time to 11:45 a.m. for racing on Saturday, November 7, 2009.

19. **FINGER LAKES RACETRACK – REQUEST TO CONDUCT NOVEMBER 2009 PROMOTIONS**

For entry into the minutes, on October 23, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association request to conduct the \$1,000.00 “Hit the Board” Eliminator Challenge on the Saturdays of November 14 and 21, 2009, and the eight drawings for \$25.00 dollar betting vouchers held after each contest race except the last race.

20. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS**

For entry into the minutes, on September 3, 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 Laurel Park, Maryland from September 8 through December 31, 2009.

21. For entry into the minutes, on September 15, 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., Kentucky from October 9 through October 31, 2009.

22. For entry into the minutes, on September 29, 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 Oak Tree Racing Association, Inc. at Santa Anita Park, California through November 8, 2009.

23. For entry into the minutes, on October 2, 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 NJSEA (Meadowlands), New Jersey through December 5, 2009.

24. For entry into the minutes, on October 2, 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 TP Racing L.L.L.P. d.b.a. Turf Paradise, Arizona from October 2 through December 31, 2009.

25. For entry into the minutes, on October 14, 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 Beulah Park, Ohio for the remainder of 2009.

26. **FINGER LAKES RACETRACK – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**

For entry into the minutes, on September 9, 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 Running Aces Harness Park, Minnesota through December 5, 2009.

27. **MONTICELLO RACEWAY – REQUEST TO ADD FIVE RACE DATES**
For entry into the minutes, on September 14, 2009, the New York State Racing and Wagering Board approved the Monticello Gaming and Raceway request to add five racing days to their 2009 schedule as follows: October 9, October 16, December 18, December 19 and December 20, 2009.
28. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on September 3, 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 Laurel Park, Maryland from September 8 through December 31, 2009.
29. For entry into the minutes, on September 3, 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 Pompano Park, Florida for the remainder of 2009.
30. For entry into the minutes, on September 3, 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 Sudbury Downs, Ontario, Canada from September 2 through October 21, 2009.
31. For entry into the minutes, on September 14, 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 Kentucky Downs, LLC, Kentucky on September 19, 21, 26 and 28, 2009.
32. For entry into the minutes, on September 14, 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 Colonial Downs L.P. (Harness Meet), Virginia through November 7, 2009.
33. For entry into the minutes, on September 14, 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 the Los Angeles County Fair at Fairplex Park, California through September 28, 2009.
34. For entry into the minutes, on September 22, 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 from October 1 through October 31, 2009.
35. For entry into the minutes, on September 22, 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 NJSEA (Meadowlands), New Jersey from October 1 through December 5, 2009.

36. For entry into the minutes, on September 29, 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 Keeneland Association Inc. (Fall Meet), Kentucky from October 9 through October 31, 2009.
37. For entry into the minutes, on September 29, 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 Oak Tree Racing Association, Inc. at Santa Anita Park, California through November 8, 2009.
38. For entry into the minutes, on October 2, 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 Northville Racing Corporation, Michigan through November 21, 2009.
39. For entry into the minutes, on October 8, 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 Beulah Park, Ohio through December 31, 2009.
40. For entry into the minutes, on October 14, 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 Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel, Louisiana through December 31, 2009.
41. For entry into the minutes, on October 23, 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 from November 1 through November 30, 2009.
42. **MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on October 2, 2009, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its standardbred racing programs for wagering purposes for the year 2009 to the additional secondary site, National Steeplechase Association, Inc. (www.nationalsteeplechase.com) associated with the previously approved simulcasts to eBet Technologies, Inc., Oregon.
43. For entry into the minutes, on October 8, 2009, the New York State Racing and Wagering Board approved the request of Monticello Raceway Mgmt, Inc. to provide official race replays to the Horsemen Publishing Company, Kentucky through December 31, 2009 only for the specific purposes set forth in the agreement dated July 21, 2009.

44. **NASSAU REGIONAL OTB – REQUEST TO OFFER TELEPHONE ACCOUNT INCENTIVE PROMOTION**
For entry into the minutes, on September 11, 2009, the New York State Racing and Wagering Board approved the August 31, 2009 Nassau Regional Off-Track Betting Corporation request to conduct a new telephone account incentive promotion through October 17, 2009.
45. **NASSAU REGIONAL OTB – REQUEST TO OFFER VIVA LAS VEGAS FALL HANDICAPPING CONTEST**
For entry into the minutes, on September 22, 2009, the New York State Racing and Wagering Board approved the September 11, 2009 Nassau OTB request to conduct a “Viva Las Vegas” Fall handicapping Contest from October 7 through November 9, 2009.
46. **NASSAU REGIONAL OTB – REQUEST TO OFFER 2009 BREEDERS’ CUP PROMOTION**
For entry into the minutes, on October 23, 2009, the New York State Racing and Wagering Board approved the October 21, 2009 application of the Nassau Regional Off-Track Betting Corporation to conduct a random drawing on November 7, 2009.
47. **NASSAU REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on September 10, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of Nassau Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from:
1. Monticello Raceway, New York through December 31, 2009
 2. Saratoga Raceway, New York through December 31, 2009.
48. For entry into the minutes, on September 10, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of Nassau Regional Off-Track Betting Corporation and Suffolk Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from:
1. Tioga Downs, New York through September 12, 2009
 2. Vernon Downs, New York through November 7, 2009.
49. For entry into the minutes, on September 10, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of Nassau Regional Off-Track Betting Corporation, Capital District Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation, Suffolk Regional Off-Track Betting Corporation and Western Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Sterling Suffolk Racecourse, LLC, Massachusetts through December 31, 2009.

50. For entry into the minutes, on September 11, 2009, 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 races from Phumelela Gold International Ltd. (South Africa and Racing UK British Racing), South Africa through December 31, 2009.
51. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on September 10, 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 Lone Star Park (Track Net Media Group), Texas from September 25 through November 28, 2009.
52. For entry into the minutes, on September 10, 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 The Delaware County Fair, Ohio from September 22 through September 24, 2009.
53. For entry into the minutes, on September 15, 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 the Los Angeles County Fair at Fairplex Park, California through September 28, 2009.
54. For entry into the minutes, on September 15, 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 Zia Park, New Mexico through December 8, 2009.
55. For entry into the minutes, on September 29, 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 Keeneland Racetrack (Fall Meet), Kentucky from October 9 through October 31, 2009.
56. For entry into the minutes, on October 2, 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 Oak Tree Racing Association at Santa Anita, California through November 8, 2009.
57. For entry into the minutes, on October 6, 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 Turf Paradise, Arizona through December 31, 2009.

58. For entry into the minutes, on October 8, 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 Portland Meadows, Oregon through December 31, 2009.
59. For entry into the minutes, on October 8, 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 Beulah Park, Ohio from October 13 through December 31, 2009.
60. For entry into the minutes, on October 14, 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 Delta Downs, Louisiana through December 31, 2009.
61. For entry into the minutes, on October 16, 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 NJSEA (Meadowlands), New Jersey for the remainder of 2009.
62. For entry into the minutes, on October 23, 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 Dover Downs, Delaware through December 31, 2009.
63. For entry into the minutes, on October 23, 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 Golden Gate Fields, California through December 20, 2009.
64. **NYRA –REQUEST TO OFFER \$500,000 GUARANTEED PICK 4 ON JOCKEY CLUB GOLD CUP DAY**
 For entry into the minutes, on September 9, 2009, the New York State Racing and Wagering Board approved the September 3, 2009 New York Racing Association request to offer a \$500,000 guaranteed *late* Pick Four wagering pool on Jockey Club Gold Cup Day at Belmont Park on Saturday, October 3, 2009.
65. **NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
 For entry into the minutes, on September 3, 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 Laurel Park from September 8 through December 31, 2009.
66. For entry into the minutes, on September 9, 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 the Los Angeles County Fair at Fairplex Park, California from September 10 through September 28, 2009.

67. For entry into the minutes, on September 15, 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 Zia Park, New Mexico through December 8, 2009.
68. For entry into the minutes, on September 29, 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 Oak Tree Racing Association, Inc. at Santa Anita Park, California through November 8, 2009.
69. For entry into the minutes, on September 29, 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. Keeneland Association Inc. (Fall Meet), Kentucky from October 9 through October 31, 2009
 2. NJSEA (Meadowlands), New Jersey from October 1 through December 5, 2009.
70. For entry into the minutes, on October 2, 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 Longchamp Racecourse, France (Prix de l' Arc de Triomphe) on October 4, 2008.
71. For entry into the minutes, on October 2, 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 Turf Paradise, Arizona through December 31, 2009.
72. For entry into the minutes, on October 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 Beulah Park, Ohio through December 31, 2009.
73. For entry into the minutes, on October 14, 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 Portland Meadows, Oregon for the remainder of 2009.
74. For entry into the minutes, on October 14, 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 Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel, Louisiana for the remainder of 2009.
75. For entry into the minutes, on October 28, 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 Golden Gate Fields, California, through December 20, 2009.

76. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on September 3, 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 Turfway Park, LLC (with nine [9] secondary sites), Kentucky from September 9, 2009 through December 31, 2009.
77. For entry into the minutes, on September 23, 2009, the New York State Racing and Wagering Board approved The New York Racing Association request to amend its previously approved export contracts with Woodbine Entertainment Group, Ontario, Canada and Attractions Hippiques, Quebec, Canada to include video streaming of NYRA's races to their Canadian resident account holders via a closed loop system.
78. For entry into the minutes, on October 2, 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 for the year 2009 to the additional secondary site, Southwind Casino, Oklahoma associated with the previously approved simulcasts to Remington Park.
79. For entry into the minutes, on October 2, 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 the National Steeplechase Association, Inc., Oregon through December 31, 2009.
80. **SARATOGA HARNESS – REQUEST TO OFFER HARNESS HANDICAPPING CONTEST ON OCTOBER 12, 2009**
For entry into the minutes, on September 15, 2009, the NYS Racing and Wagering Board approved the Saratoga Gaming and Raceway request to conduct the Win, Place or Show Me the Money Challenge handicapping contest on Monday, October 12, 2009.
81. **SARATOGA HARNESS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on September 3, 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 Pompano Park, Florida for the remainder of 2009.
82. For entry into the minutes, on September 14, 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 the Los Angeles County Fair at Fairplex Park, California through September 28, 2009.
83. For entry into the minutes, on September 15, 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 Zia Park, New Mexico through December 8, 2009.

84. For entry into the minutes, on September 22, 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. (Fall Meet), Kentucky from October 9 through October 31, 2009.
85. For entry into the minutes, on October 2, 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 Turf Paradise, Arizona through December 31, 2009.
86. For entry into the minutes, on October 8, 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 Portland Meadows, Oregon through December 31, 2009.
87. For entry into the minutes, on October 14, 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 Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel, Louisiana for the remainder of 2009.
88. **TIOGA DOWNS – REQUEST TO OFFER HANDICAPPING CONTEST ON SATURDAY, OCTOBER 24, 2009**
For entry into the minutes, on September 15, 2009, the New York State Racing and Wagering Board approved the September 9, 2009 American Racing-Tioga Downs, Inc. request to conduct a handicapping contest on Saturday, October 24, 2009.
89. **TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on September 9, 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 Laurel Park, Maryland through December 31, 2009.
90. For entry into the minutes, on September 9, 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 Colonial Downs L.P. (Harness Meet), Virginia through November 7, 2009.
91. For entry into the minutes, on September 15, 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 Turfway Park LLC (Fall and Holiday Meet), Kentucky through October 8, 2009 and from November 29 through December 31, 2009.

92. For entry into the minutes, on September 22, 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 Kentucky Downs, LLC, Kentucky through September 28, 2009.
93. For entry into the minutes, on September 22, 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 NJSEA (Meadowlands), New Jersey from October 1 through December 5, 2009.
94. For entry into the minutes, on September 22, 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 Pompano Park, Florida for the remainder of 2009.
95. For entry into the minutes, on September 30, 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 Oak Tree Racing Association, Inc. at Santa Anita Park, California from September 30 through November 8, 2009.
96. For entry into the minutes, on October 6, 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 the California Authority of Fairs, California through October 18, 2009.
97. For entry into the minutes, on October 14, 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 Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel, Louisiana for the remainder of 2009.
98. For entry into the minutes, on October 16, 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 at Keeneland Association Inc. (Fall Meet), Kentucky through October 31, 2009.
99. For entry into the minutes, on October 28, 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 at Golden Gate Fields, California, through December 20, 2009.
100. For entry into the minutes, on October 23, 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 at Sunland Park, New Mexico from December 11 through December 31, 2009.

101. **TIOGA DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on September 9, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to Wheeling Island, West Virginia through September 12, 2009.
102. For entry into the minutes, on September 14, 2009, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its harness racing programs for wagering purposes to Atlantic City Casinos (with five [5] specified sites), New Jersey through December 31, 2009.
103. **VERNON DOWNS – REQUEST TO OFFER PICK 8 ON SEPTEMBER 26, 2009 – SIRE STAKES**
For entry into the minutes, on September 14, 2009, the New York State Racing and Wagering board approved the August 13, 2009 request of American Racing-Vernon Downs, Inc. to conduct a Pick 8 wager on September 26, 2009 (New York Sire Stakes Night of Champions) with a 20% takeout rate.
104. **VERNON DOWNS – REQUEST TO CHANGE POST-TIME**
For entry into the minutes, on September 30, 2009, the New York State Racing and Wagering Board approved the September 29, 2009 American Racing-Vernon Downs, Inc. request to change the first post time to 1:15 p.m. for the races to be conducted on Thursday, October 1, Friday, October 2, and Saturday, October 3, 2009.
105. **VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on September 9, 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 Laurel Park, Maryland through December 31, 2009.
106. For entry into the minutes, on September 9, 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 Colonial Downs L.P. (Harness Meet), Virginia through November 7, 2009.
107. For entry into the minutes, on September 9, 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 Retama Park, Texas through November 7, 2009.
108. For entry into the minutes, on September 15, 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 Turfway Park LLC (Fall and Holiday Meet), Kentucky through October 8, 2009 and from November 29 through December 31, 2009.

109. For entry into the minutes, on September 22, 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 Kentucky Downs, LLC, Kentucky through September 28, 2009.
110. For entry into the minutes, on September 22, 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 NJSEA (Meadowlands), New Jersey from October 1 through December 5, 2009.
111. For entry into the minutes, on September 22, 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 Pompano Park, Florida for the remainder of 2009.
112. For entry into the minutes, on September 30, 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 Oak Tree Racing Association, Inc. at Santa Anita Park, California from September 30 through November 8, 2009.
113. For entry into the minutes, on October 14, 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 Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel, Louisiana for the remainder of 2009.
114. For entry into the minutes, on October 16, 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 at Keeneland Association Inc. (Fall Meet), Kentucky through October 31, 2009.
115. For entry into the minutes, on October 23, 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 at Golden Gate Fields, California, through December 20, 2009.
116. For entry into the minutes, on October 23, 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 at Sunland Park, New Mexico from December 11 through December 31, 2009.
117. **VERNON DOWNS – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on September 3, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to AmWest Entertainment LLC (four [4] site locations), Kentucky through November 7, 2009.

118. For entry into the minutes, on September 3, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Philadelphia Park (with eight [8] secondary sites), Pennsylvania through November 7, 2009.
119. For entry into the minutes, on September 9, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Wheeling Island, West Virginia through November 7, 2009.
120. For entry into the minutes, on September 9, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Sports Creek Raceway, Michigan through November 7, 2009.
121. For entry into the minutes, on September 9, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Western Fair Raceway, Ontario, Canada from September 26 through November 7, 2009.
122. For entry into the minutes, on September 14, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Atlantic City Casinos (with five [5] specified sites), New Jersey through December 31, 2009.
123. For entry into the minutes, on September 15, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Los Alamitos (with thirty four [34] secondary sites), California through November 7, 2009.
124. For entry into the minutes, on September 22, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Retama Development Corporation, Texas through November 7, 2009.
125. For entry into the minutes, on October 2, 2009, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its harness racing programs for wagering purposes to Wonderland Greyhound Park, Massachusetts through November 7, 2009.
126. **YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on September 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 FR Park Racing (Freehold Raceway), New Jersey through September 30, 2009.

127. For entry into the minutes, on September 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 The Delaware County Fair, Ohio on September 23 and September 24, 2009.
128. For entry into the minutes, on September 9, 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 Colonial Downs L.P. (Harness Meet), Virginia through November 7, 2009.
129. For entry into the minutes, on September 9, 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 Kentucky Downs, LLC, Kentucky on September 19, 21, 26 and 28, 2009.
130. For entry into the minutes, on September 9, 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 Los Angeles County Fair at Fairplex Park, California from September 10 through September 28, 2009.
131. For entry into the minutes, on September 15, 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 Laurel Park, Maryland through December 31, 2009.
132. For entry into the minutes, on September 15, 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 Pompano Park, Florida for the remainder of 2009.
133. For entry into the minutes, on September 30, 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 Oak Tree Racing Association, Inc. at Santa Anita Park, California from September 30 through November 8, 2009.
134. For entry into the minutes, on October 2, 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 Turf Paradise, Arizona through December 31, 2009.
135. For entry into the minutes, on October 2, 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. (Fall Meet), Kentucky from October 9 through October 31, 2009.

136. For entry into the minutes, on October 2, 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 October 31, 2009.
137. For entry into the minutes, on October 2, 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 NJSEA (Meadowlands), New Jersey through December 5, 2009.
138. For entry into the minutes, on October 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 Old Evangeline Downs, LLC, Louisiana through December 6, 2009.
139. For entry into the minutes, on October 14, 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 Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel, Louisiana for the remainder of 2009.
140. For entry into the minutes, on October 23, 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 Golden Gate Fields, California, through December 20, 2009.
141. **YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
 For entry into the minutes, on September 14, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its harness racing programs for wagering purposes to eBet Technologies, Inc. (with four [4] sites), Oregon through December 31, 2009.

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

1. **FINGER LAKES RACETRACK – REQUEST TO INSTALL HORSE WASH STRUCTURE AND SANITARY SEWER LINES**
 For entry into the minutes, on September 22, 2009, the New York State Racing and Wagering Board approved the September 18, 2009 request by Finger Lakes Racing Association Inc. for the installation of the Sanitary Sewer lines on the backstretch as part of a project to construct 29 separate wash buildings comprised of 88 wash bays (stalls) pursuant to Section 246 of the New York State Racing and Wagering, Pari-Mutuel Wagering and Breeding Law.

The construction approved was for the sewer lines only, described in the sewer permit from the Canandaigua-Farmington Water & Sewer Districts dated September 17, 2009.

2. **VERNON DOWNS – REQUEST APPROVAL FOR VGM PARKING LOT PAVING & LIGHTING HORSE WASH**

For entry into the minutes, on October 14, 2009 the New York State Racing and Wagering Board approved the request from Vernon Downs to repave a portion of its parking lot as described in its October 8, 2009 letter and documentation pursuant to Section 322 of the New York State Racing and Wagering, Pari-Mutuel Wagering and Breeding Law.

3. **SARATOGA HARNESS – REQUEST TO EXPAND FOOD COURT AND PARKING LOT**

Pursuant to New York State Racing, Pari-Mutuel Wagering and Breeding Law Section 322, on October 14, 2009, the New York State Racing and Wagering Board approved the September 16 and 30, 2009 requests of Saratoga Harness Racing, Inc. for the expansion of the food court and the employee parking lot at Saratoga Gaming and Raceway.

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

1. **MONTICELLO RACEWAY – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board granted the Monticello Raceway track and simulcast licenses for 2009.

The Board assigned the remainder of the 208 racing programs requested on the dates specified and at the post-times requested. The Board approved plans relating to the Magnetic Media Storage (Rule 5100.5), Totalisator Room Security (Rule 5100.23[d]), and Posting of Race Results (Rule 5100.11).

The 2009 track and simulcast licenses are conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
 - a. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
 - b. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalisator facilities at the site where guest's wagers are subject to commingling and all related totalisator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- c. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either jurisdiction with such provisions specifically incorporated into contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.
- d. An SAS-70 Type II audit is to be performed for the current licensing period on the totalisator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2009.
- e. Rule 5100.2(b)(1), which requires that the track's totalisator system be in compliance with Rule 5100.24(1)-Independent Monitoring System.

The New York State Racing and Wagering Board also approved the 2009 Track license for Monticello Raceway.

A letter was also sent to the Commissioner of the New York State Department of Taxation and Finance informing them that Monticello Raceway had been assigned the prescribed number of race dates to establish eligibility for the tax rates set forth in Racing Law Section 318(1).

2. MONTICELLO RACEWAY – REQUEST TO WITHDRAW \$26,817.83 FROM CIF

The New York State Racing and Wagering Board approved the Monticello Raceway request to withdraw \$26,817.83 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

Backstretch (68%)

Purchase of a Truck & Chassis for Water Truck	\$ 9,591.31
Paving in the Backstretch	<u>\$ 7,155.20</u>
	\$ 16,746.51

Other (32%)

Track Light Project	<u>\$ 10,071.32</u>
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Total Approved \$ 26,817.83

3. BUFFALO RACEWAY – REQUEST TO WITHDRAW \$30,962.00 FROM CIF

The New York State Racing and Wagering Board approved the Buffalo Raceway request to withdraw \$30,962.00 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

Backstretch (58%)

Hydraulic Drag and Float	\$ 17,815.00
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Other (42%)

Purchase of Camera and Accessories	<u>\$ 13,147.00</u>
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Total Approved \$ 30,962.00

4. **SUFFOLK REGIONAL OTB – REQUEST TO OPERATE NEW QWIK BET – PETE’S PLACE – BOHEMIA, NY**
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 operation of a Qwik Bet simulcast facility located in Bohemia, N.Y. at the Ellie Tavern Corp. dba the Pete’s Place.
5. **MAINTENANCE OF EFFORT – SECTION 1017.2(a) - FOR YEARS 2004 THROUGH 2008**
The New York State Racing and Wagering Board deferred determination of this item.
6. **ADDITIONAL PAYMENTS – SECTION 1017.2(b) - FOR YEARS 2005 THROUGH 2008**
The New York State Racing and Wagering Board deferred determination of this item.
7. **PROPOSED RULEMAKING – FREE BINGO RULE**
The New York State Racing and Wagering Board approved the proposal of amendments to Board Rules 5815.14 and 5820.55, which authorize the conduct of “free bingo” games without a license.
8. **PROPOSED RULEMAKING – FINANCIAL STATEMENTS OF HORSEMEN’S ORGANIZATIONS**
The New York State Racing and Wagering Board approved the proposal of an amendment to Board Rule 4003.51(e), which imposes the requirement and establishes the timeframe for the submission of audited financial statements of thoroughbred horsemen’s organizations.
9. **PROPOSED RULEMAKING – AMENDMENT TO HARNESS RULE 4108.8 – NEW YORK PREFERENCE**
The New York State Racing and Wagering Board approved the proposal of an amendment to Board Rule 4108.8, which sets forth the types of harness races that may be offered
10. **IN THE MATTER OF GARY LEONARDI**
The New York State Racing and Wagering Board, with Member John B. Simoni having recused himself, accepted the Hearing Officer’s recommended Findings and Conclusions that Gary Leonardi committed the violations of the rules charged in the Order to Show Cause. The Board determined, based upon the record, including the disciplinary history of the licensee, that Mr. Leonardi’s license should be revoked, that a fine in the amount of \$5,000.00 should be imposed, that he should be ineligible to reapply for any occupational license for at least one year, and that any application for relicensing must be accompanied by proof that he attended and satisfactorily completed an accredited anger management program.

11. **IN THE MATTER OF JAMES PIONTEK**

The New York State Racing and Wagering Board accepted the Hearing Officer's recommended Findings and Conclusions that trainer James Piontek violated 9 NYCRR §§ 4120.13 and 4120.4 because he trained a horse, "Summer Magic," that competed with excess pre-race TCO2 levels at Monticello Raceway on January 13, 2009. The Board did not adopt the Hearing Officer's recommendation to increase the discipline to be imposed; the Board determined that the disciplinary history of respondent is such that the minimum mandatory penalty of a sixty (60) day license suspension and \$1,000 fine is sufficient, notwithstanding the high TCO2 reading.

12. **IN THE MATTER OF CARLOS AGUILAR**

The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer, Board Member Daniel D. Hogan and revoked the thoroughbred racing groom license of Carlos Aguilar based upon charges that he violated the Environmental Conservation Law and subsequent information establishing that he was an illegal immigrant.

13. **IN THE MATTER OF NORBERTO ARROYO, JR.**

The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer, Board Member Daniel D. Hogan and revoked the thoroughbred jockey license of Norberto Arroyo, Jr. and declared him ineligible to reapply unless and until he has complied with reasonable requests and instructions of Board officials and satisfactorily addressed his licensing issues.

14. **IN THE MATTER OF ALVIN COLON**

The New York State Racing and Wagering Board upheld the recommendation of designated Hearing Officer, Board Member Daniel D. Hogan and suspended the exercise rider's license of Alvin Colon and declared him ineligible to reapply unless and until he has complied with reasonable requests and instructions of Board officials and satisfactorily addressed his licensing issues.

15. **IN THE MATTER OF PRE-RACE DETENTION OF HORSES OWNED BY KATHLEEN OR BRUCE WELLER**

The New York State Racing and Wagering Board upheld the recommendations of designated Hearing Officer, Russell H. Baller, Jr. and determined as follows:

1. Dismissed the appeal from the pre-race detention Order on the ground that the eight-month detention period has expired and the matter is moot;
2. Adopted the recommendation to grant interim stays to owners who appeal pre-race detention orders; and
3. Rendered null and void the direction to return the \$78,271 purse monies on the basis that the trainer of the horses was previously found not to have violated the relevant TCO2 rules twice within the twelve-month period as required to invoke the eight-month detention period.

16. **IN THE MATTER OF PRE-RACE DETENTION OF HORSES OWNED BY ROBERT GRUBER OR ANTHONY BARONE**

The New York State Racing and Wagering Board upheld the recommendations of designated Hearing Officer, Russell H. Baller, Jr. and determined as follows:

1. Dismissed the appeal from the pre-race detention Order on the ground that the eight-month detention period has expired and the matter is moot;
2. Adopted the recommendation to grant interim stays to owners who appeal pre-race detention orders; and
3. Rendered null and void the direction to return the \$1,678 in purse monies on the basis that the trainer of the horses was previously found not to have violated the relevant TCO2 rules twice within the twelve-month period as required to invoke the eight-month detention period.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **NYRA – NOTICE OF INTENT TO CONDUCT RACING AT AQUEDUCT DURING WINTER OF 2009-2010**

On September 29, 2009, The New York State Racing and Wagering Board acknowledged receipt of a letter dated August 6, 2008 (sic) from The New York Racing Association, Inc. regarding NYRA's intention to conduct a race meeting at Aqueduct Racetrack during the months of December 2009, January 2010, February 2010, March 2010 and April 2010, in order to have the pari-mutuel tax rate set forth in subsection (a) of Section 238.1(d) be effective.

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

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between September 1, 2009 through September 30, 2009.

3. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS**

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from September 3, 2009 through October 5, 2009.

4. **LICENSING/CURRENT LICENSE COUNT**

The current racing licensing counts as of September 30, 2009 since January 1, 2009 were as follows: total receipts 13,698 and total licenses 9,936 for the year 2009.

5. **2009 LICENSED SUPPLIERS**

List of licensed suppliers – manufacturers' and distributors' licenses issued for the time period of September 1, 2009 through September 30, 2009.

6. **CAPITAL DISTRICT REGIONAL OTB – PLAYER REWARDS SECOND QUARTER 2009 RESULTS**

Report concerning Capital OTB's Player Rewards second quarter results for 2009.

7. **NYRA – PLAYER REWARDS SECOND QUARTER 2009 RESULTS**
Report concerning NYRA’s Player Rewards second quarter results for 2009.
8. **INDIAN GAMING/LICENSING STATISTICS**
Licensing statistics for September 1, 2009 through September 30, 2009. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.
9. **INDIAN GAMING/LICENSING STATISTICS**
Licensing statistics for October 1, 2009 through October 30, 2009. 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 12:07 p.m.