



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF DECEMBER 15, 2009**

A meeting of the New York State Racing and Wagering Board was held on Tuesday, December 15, 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
Bruce Samboy, Director of Charitable & Indian Gaming
Robert Williams, Assistant Counsel
Joseph Mahoney, NYSR&WB
Kristen Buckley, NYSR&WB
Vivian Davis, NYSR&WB
John Googas, NYSR&WB
Rick Goodell, NYSR&WB
William Sekellick, NYSR&WB
Clem Parente, NYSR&WB
James Kellogg, NYSR&WB
Stacy Harvey, NYSR&WB
Don Braim, Saratoga Gaming & Raceway
John Matarazzo, Saratoga Gaming & Raceway
James Crane, Crane, Parente
Chuck Kilroy, Seneca Gaming Corp.
Lou Anderson, Seneca Gaming Corp.
Robert Hemsworth, Capital OTB
Ed Martin, RCI

OPEN COMMENT PERIOD: John Matarazzo of Saratoga Gaming and Raceway stated that the money owed by Capital District OTB has deprived the horsemen and stockholders. He asked the Board to order Capital OTB to pay the amount owed and to assign penalties for late payments.

Robert Hemsworth of Capital District OTB stated that he had been in contact with the Board and that Capital had recently provided the Board with a new, more complete schedule for the maintenance of effort payments.

Mr. Hemsworth stated that there were differences in the amounts owed. Tom Casaregola of RWB suggested that the specifics could be discussed at a later date to work out any differences.

A. The Board approved the minutes of the Board meeting held on November 10, 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 November 5, 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. Dover Downs, Inc., Delaware through December 31, 2009
2. Santa Anita (Oak Tree Racing Association), California, (the Breeder’s Cup World Championships) November 6, and November 7, 2009.

2. For entry into the minutes, on November 5, 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 Churchill Downs (Fall Meet), Kentucky through November 28, 2009.

3. For entry into the minutes, on November 17, 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 Fair Grounds Race Course (Track Net Media Group), Louisiana through December 24, 2009.

4. For entry into the minutes, on November 18, 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. Hollywood Park Racing Association, California through December 20, 2009
2. Laurel Park, Maryland through December 31, 2009.

5. **CAPITAL DISTRICT REGIONAL OTB – CLOSURE OF EZ BET – TON’S SPORTS BAR – POTSDAM**
For entry into the minutes, on November 5, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation plan of operation to reflect the closure of the branch known as the Ton’s Sports Bar located at 169 ½ Market St., Potsdam, NY effective after all business is completed on Sunday, November 8, 2009.
6. **CAPITAL DISTRICT REGIONAL OTB – CLOSURE OF EZ BET – BLACK BEAR RESTAURANT - POTTERSVILLE**
For entry into the minutes, on November 5, 2009, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation plan of operation to reflect the closure of the branch known as the Black Bear Restaurant located on Route Nine in Pottersville effective after all business is completed on Sunday, November 15, 2009.
7. **CAPITAL DISTRICT REGIONAL OTB – DECEMBER 2009 PROMOTIONS**
For entry into the minutes, on November 24, 2009, the New York State Racing and Wagering Board approved the November 17, 2009 request of the Capital District Regional Off-Track Betting Corporation to conduct the promotions specified.
8. **FINGER LAKES RACETRACK – REQUEST TO AMEND HIT THE BOARD ELIMINATOR CHALLENGE**
For entry into the minutes, on November 5, 2009, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to conduct a \$1,000.00 “Hit the Board” Eliminator Challenge during 2010 on dates to be announced.
9. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS**
For entry into the minutes, on October 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 Santa Anita (Oak Tree Racing Association), California (the Breeder’s Cup World Championships) on November 6 and November 7, 2009.
10. For entry into the minutes, on October 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 Churchill Downs (Fall Meet), Kentucky from November 1 through November 28, 2009.
11. For entry into the minutes, on November 5, 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 Fair Grounds Race Course, Louisiana through December 24, 2009.

12. For entry into the minutes, on November 18, 2009, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Hollywood Park Racing Association, California through December 20, 2009.
13. **FINGER LAKES RACETRACK – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on November 17, 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 Hollywood Park (with thirty four [34] secondary sites), California through December 5, 2009.
14. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on October 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 Churchill Downs (Fall Meet), Kentucky from November 1 through November 28, 2009.
15. For entry into the minutes, on October 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 Santa Anita (Oak Tree Racing Association), California (the Breeder’s Cup World Championships) on November 6 and November 7, 2009.
16. For entry into the minutes, on October 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 Lebanon Raceway, Ohio through December 31, 2009.
17. For entry into the minutes, on October 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 Dover Downs, Inc., Delaware through December 31, 2009.
18. For entry into the minutes, on November 5, 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 Fair Grounds Race Course, Louisiana through December 24, 2009.
19. For entry into the minutes, on November 18, 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 Sam Houston Race Park, Texas from November 27 through December 31, 2009.

20. For entry into the minutes, on November 18, 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 Hollywood Park Racing Association, California through December 20, 2009.
21. For entry into the minutes, on November 24, 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 December 1 through December 31, 2009.
22. **MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on November 10, 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 following additional secondary site, Avatar Ventures, LLC, North Dakota associated with the previously approved simulcasts to LVDC, Nevada.
23. For entry into the minutes, on November 10, 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 following secondary site, Cashpoint Limited, Malta, associated with the previously approved simulcasts to Global Wagering Systems (Track Net), Delaware.
24. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on November 5, 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 Pompano Park, Florida through December 31, 2009.
25. For entry into the minutes, on November 5, 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 Churchill Downs (Fall Meet), Kentucky through November 28, 2009.
26. For entry into the minutes, on November 5, 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 Santa Anita (Oak Tree Racing Association), California, (the Breeder’s Cup World Championships) on November 6 and November 7, 2009.
27. For entry into the minutes, on November 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 Hollywood Park, California through December 20, 2009.

28. For entry into the minutes, on November 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 Fair Grounds Race Course, Louisiana through December 31, 2009.
29. For entry into the minutes, on November 24, 2009, the New York State Racing and Wagering Board approved amendments to the plans of operation of New York City Off-Track Betting Corporation, Capital District Regional Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation and Western Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Sam Houston Race Park, Texas from November 27 through December 31, 2009.
30. For entry into the minutes, on November 24, 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 Hollywood Park, California through December 20, 2009.
31. **NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on October 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 Churchill Downs (Fall Meet), Kentucky from November 1 through November 28, 2009.
32. For entry into the minutes, on October 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 Sunland Park, New Mexico from December 11 through December 31, 2009.
33. For entry into the minutes, on October 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 Golden Gate Fields, California, through December 20, 2009.
34. For entry into the minutes, on November 5, 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 Fair Grounds Race Course, Louisiana through December 24, 2009.
35. For entry into the minutes, on November 5, 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 Santa Anita (Oak Tree Racing Association), California, (the Breeder's Cup World Championships) on November 6, 2009 and November 7, 2009.

36. For entry into the minutes, on November 10, 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 Hollywood Park Racing Association, California from November 11, 2009 through December 20, 2009.
37. For entry into the minutes, on November 17, 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 Sam Houston Race Park, Texas from November 27 through December 31, 2009.
38. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on October 29, 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 Betfair Games Limited, Malta through December 31, 2009.
39. For entry into the minutes, on November 10, 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 Hollywood Park (with thirty four [34] secondary sites), California from November 13 through December 20, 2009.
40. For entry into the minutes, on November 10, 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 for the year 2009 to the following additional secondary site, Cashpoint Limited, Malta, associated with the previously approved simulcasts to Global Wagering Systems (Track Net), Delaware.
41. **SARATOGA HARNESS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on October 29, 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 Sunland Park, New Mexico from December 11 through December 31, 2009.
42. For entry into the minutes, on November 5, 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 Oak Tree Racing Association, Inc. at Santa Anita Park, California through November 8, 2009.
43. For entry into the minutes, on November 5, 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 Santa Anita (Oak Tree Racing Association), California (the Breeder’s Cup World Championships) on November 6, 2009 and November 7, 2009.

44. For entry into the minutes, on November 5, 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 Dover Downs, Inc., Delaware through December 31, 2009.
45. For entry into the minutes, on November 5, 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 Churchill Downs (Fall Meet), Kentucky through November 28, 2009.
46. For entry into the minutes, on November 5, 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 Fair Grounds Race Course, Louisiana through December 24, 2009 and Golden Gate Fields, California through December 13, 2009.
47. For entry into the minutes, on November 10, 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 Hollywood Park (Fall Meet), California from November 13 through December 20, 2009.
48. For entry into the minutes, on November 17, 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 Sam Houston Race Park, Texas from November 27 through December 31, 2009.
49. For entry into the minutes, on November 17, 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 Hialeah Park (Quarter Horse Meet), Florida from November 28 through December 31, 2009.
50. **SUFFOLK REGIONAL OTB – CLOSURE OF PATCHOGUE BRANCH #273**
For entry into the minutes, on November 10, 2009, the New York State Racing and Wagering Board approved an amendment to the Suffolk Regional Off-Track Betting Corporation’s plan of operation to reflect the closure of the off-track betting facility known as the Patchogue Branch #273 located at 350 East Main Street in Patchogue, N.Y.
51. **SUFFOLK REGIONAL OTB – REQUEST TO OFFER HOLIDAY BUFFET PROMOTION**
For entry into the minutes, on November 10, 2009, the New York State Racing and Wagering Board approved the November 9, 2009 (as revised November 10, 2009) Suffolk Regional Off-Track Betting Corporation request to amend their plan of operation to conduct a “Holiday Buffet Promotion” at First Place Catering at the Racing Forum from November 16, 2009 through January 1, 2010.

52. **TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on October 29, 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 Churchill Downs (Fall Meet), Kentucky from November 1 through November 28, 2009.
53. For entry into the minutes, on October 29, 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 Santa Anita (Oak Tree Racing Association), California (the Breeder’s Cup World Championships) on November 6 and November 7, 2009.
54. For entry into the minutes, on October 29, 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 Dover Downs, Inc., Delaware through December 31, 2009.
55. For entry into the minutes, on November 10, 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 Fair Grounds Race Course, Louisiana through December 24, 2009.
56. For entry into the minutes, on November 24, 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 FR Park Racing (Freehold Raceway), New Jersey from December 1 through December 31, 2009.
57. For entry into the minutes, on November 24, 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 Western Fair Raceway, Ontario, Canada for the remainder of 2009.
58. **VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on October 29, 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 Churchill Downs (Fall Meet), Kentucky from November 1 through November 28, 2009.
59. For entry into the minutes, on October 29, 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 Dover Downs, Inc., Delaware through December 31, 2009.
60. For entry into the minutes, on October 29, 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 Santa Anita (Oak Tree Racing Association), California (the Breeder’s Cup World Championships) on November 6 and November 7, 2009.

61. For entry into the minutes, on November 10, 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 Fair Grounds Race Course, Louisiana through December 24, 2009.
62. For entry into the minutes, on November 24, 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 FR Park Racing (Freehold Raceway), New Jersey from December 1 through December 31, 2009.
63. For entry into the minutes, on November 24, 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 Western Fair Raceway, Ontario, Canada for the remainder of 2009.
64. **WESTERN REGIONAL OTB – CLOSURE OF 200 CENTRAL PARK PLAZA – BUFFALO**
For entry into the minutes, on November 24, 2009, the New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation plan of amendment to reflect the closure of the branch located at 200 Central Park Avenue in Buffalo, New York.
65. **YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on October 29, 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 Churchill Downs (Fall Meet), Kentucky from November 1 through November 28, 2009.
66. For entry into the minutes, on October 29, 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 November 30, 2009.
67. For entry into the minutes, on November 5, 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 Santa Anita (Oak Tree Racing Association), California, (the Breeder’s Cup World Championships) on November 6, 2009 and November 7, 2009.
68. For entry into the minutes, on November 5, 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 Fair Grounds Race Course, Louisiana from November 6 through December 24, 2009.

69. For entry into the minutes, on November 10, 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 Dover Downs, Inc., Delaware through December 31, 2009.
70. For entry into the minutes, on November 17, 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 Hollywood Park Racing Association, California through December 20, 2009.
71. For entry into the minutes, on November 24, 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 Fraser Downs, British Columbia, Canada for the remainder of 2009.
72. For entry into the minutes, on November 24, 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 December 31, 2009.
73. **YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2009**
For entry into the minutes, on November 10, 2009, the New York State Racing and Wagering Board approved the Yonkers Raceway request to simulcast its standardbred racing programs for wagering purposes for the year 2009 to the following additional secondary site, Avatar Ventures, LLC, North Dakota associated with the previously approved simulcasts to LVDC, Nevada.

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

1. **FINGER LAKES RACETRACK – REQUEST TO INSTALL HORSE WASH STRUCTURES**
For entry into the minutes, on October 29, 2009, the New York State Racing and Wagering Board approved the September 18, 2009 request by Finger Lakes Racing Association to construct 29 separate wash buildings comprised of 88 horse wash bays (stalls) pursuant to Section 246 of the Racing, Pari-Mutuel Wagering and Breeding Law.
2. **NEW YORK CITY OTB – APPOINTMENT OF MEMBER OF THE BOARD OF DIRECTORS – LAWRENCE GRAHAM**
For entry into the minutes, on October 29, 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 Lawrence Graham as a member of the New York City Off-Track Betting Corporation Board of Directors.

3. **NEW YORK CITY OTB – APPOINTMENT OF EXECUTIVE VICE PRESIDENT CORPORATE AFFAIRS – SYLVIA HAMER**

For entry into the minutes, on November 4, 2009, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation plan of operation to reflect the appointment of Sylvia Hamer to the position of Executive Vice President-Corporate Affairs.

4. **IN THE MATTER OF RICHARD ANNUNZIATA**

For entry into the minutes, on November 25, 2009, the New York State Racing and Wagering Board upheld the recommendation of the designated Hearing Officer, Board Member Daniel D. Hogan, and revoked the pari-mutuel harness racing license of Richard Annunziata based upon matters relating to financial responsibility, payment of child support and failure to comply with licensing requirements. Mr. Annunziata is also denied the privileges of the grounds or admission to the track, whether as a patron or otherwise, at all pari-mutuel harness tracks in the State of New York.

5. **BUFFALO RACEWAY – REQUEST TO CONSTRUCT NEW VIDEO LOTTERY FACILITY**

For entry into the minutes, on December 1, 2009 the New York State Racing and Wagering Board (Board) approved a permit, in accordance with Section 322 of the Racing, Pari-Mutuel Wagering and Breeding Law, to Buffalo Trotting Association Inc./Buffalo Raceway for Steel erection for VLT related building expansion as described in the November 27, 2009 building permit issued by the New York State Office of General Services (OGS). Previously on May 27, 2009 the Board approved the OGS issued permit to construct a foundation for the VLT related building expansion.

Buffalo Trotting Association, Inc/Buffalo Raceway must submit a request to the Board along with the construction permits from OGS, and receiving Board approval prior to the start of other phases of the VLT expansion project.

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

1. **BUFFALO RACEWAY – 2010 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board assigned to Buffalo Raceway the race dates requested for the month of January 2010 only.

2. **MONTICELLO RACEWAY – 2010 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board assigned to Monticello Raceway the race dates requested for the month of January 2010 only.

3. **YONKERS RACEWAY – 2010 TRACK & SIMULCAST LICENSE APPLICATIONS**

The New York State Racing and Wagering Board assigned to Yonkers Raceway the race dates requested for the month of January 2010 only.

4. **NYRA – 2010 RACE DATES**

Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Sections 101, 208.3, and 231, the New York State Racing and Wagering Board approved the October 30, 2009 request of The New York Racing Association, Inc. for the year 2010 race dates for thoroughbred race meetings at Aqueduct Racetrack, Belmont Park and Saratoga Racecourse.

WAGERING MENU

The New York State Racing and Wagering Board also approved the request of The New York Racing Association, Inc. for the conduct of wagering on races conducted at Belmont Park, Aqueduct Racetrack, and Saratoga Racecourse during 2010 as set forth in the October 30, 2009 request, subject to the following exceptions and conditions:

- All wagering is to be conducted pursuant to the applicable New York State statutes and regulations;
- Advance wagering for Grade I stakes and international simulcast equivalents is limited to the circumstances set forth in the October 16 and 17, 2008 correspondence between Board staff and NYRA staff; NYRA is required to provide notice to the Board of advance wagering events prior to the conduct of advance wagering.
- Future pools hosted by NYRA require separate approval and will be considered on a case by case basis;
- 60 Minute Six and any other multi-track and/or multi-jurisdictional pool in which NYRA races are included in require separate approval and will be considered on a case by case basis.

5. **NYRA – 2010 RACING OFFICIALS**

Pursuant to Board Rule 4005.1, the New York State Racing and Wagering Board approved the December 11, 2009 request of The New York Racing Association, Inc. to employ the twenty-six (26) Category I, five (5) Category II and three (3) Category III racing officials specified during the year 2010.

The approval for Dianne Connor was limited to the period ending January 31, 2010.

6. **CATSKILL REGIONAL OTB – 2010 SIMULCAST LICENSE APPLICATION**

The New York State Racing and Wagering Board granted the Catskill Regional Off-Track Betting Corporation simulcast license for 2010 for twenty-one (21) simulcast branches, five (5) remote-type facilities, and one teletheater.

The 2010 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, 2010.
- b. Rule 5100.2(b)(1), which requires that the totalisator system be in compliance with Rule 4100.24(1)-Independent Monitoring System.

The Board approved the plan relating to Totalisator Room Security (Rule 5100.23[d]).

- 7. **THE JOCKEY CLUB – REQUEST FOR APPROVAL OF RACING OFFICIALS FOR 2010**
Pursuant to Board Rule 4023.1, on December 15, 2009, the New York State Racing and Wagering Board approved The Jockey Club request to employ Dr. William Theodore Hill as Jockey Club Steward at the NYRA tracks and Mr. Donald Combs as Jockey Club Steward at Finger Lakes Racing Association for the year 2010 racing seasons.

- 8. **FINGER LAKES RACETRACK – REQUEST TO WITHDRAW \$162,293.59 FROM CIF**
The New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to withdraw \$162,293.59 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

<u>Backstretch (42%)</u>	
Electric Upgrade – Barns 15 & 16	\$ 34,235.07
John Deere Loader with Sweeper	31,334.06
<u>John Deere Garden Tractor</u>	<u>2,998.43</u>
Total Backstretch	\$ 68,567.56
<u>Other (58%)</u>	
Winner’s Circle Expansion	\$ 21,524.76
Water Truck	59,099.07
Plazma Cutter	2,586.83
Metal Cutting Bandsaw	921.50
<u>Auto-scrubber</u>	<u>9,593.87</u>
Total Other	\$ <u>93,726.03</u>
Total Expenditures Approved	\$ <u>162,293.59</u>

- 9. **MAINTENANCE OF EFFORT – SECTION 1017.2.a - FOR YEARS 2004 THROUGH 2008 (REVISED 2003)**
The New York State Racing and Wagering Board (“Board”) approved schedules of payments to be made pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 1017.2(a) for years 2004, 2005, 2006, 2007, and 2008 by Capital District Regional Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation, Nassau Regional Off-Track Betting Corporation, New York City Off-Track Betting Corporation, and Suffolk Regional Off-Track Betting Corporation based upon nighttime thoroughbred simulcasting conducted by these off-track betting corporations.

By vote of two to one with Chairman Sabini dissenting, the Board determined that the Racing, Pari-Mutuel Wagering and Breeding Law Section 1017.2a payment obligations of the off-track betting corporations for which Yonkers Raceway is a regional track are not precluded by the lack of live racing at Yonkers Raceway during the period June 26, 2005 – November 16, 2006. Accordingly, the calculation of the payment obligations to Yonkers Raceway for the years 2005 and 2006 includes amounts attributable to the period June 26, 2005 – November 16, 2006.

The Board approved the schedule of payments to be made for year 2004 Western Regional Off-Track Betting Corporation based upon nighttime thoroughbred simulcasting conducted by this off-track betting corporation.

The Board approved revised schedules of payments to be made for years 2003 by Capital District Regional Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation, Nassau Regional Off-Track Betting Corporation, New York City Off-Track Betting Corporation, Suffolk Regional Off-Track Betting Corporation, and Western Regional Off-Track Betting Corporation based upon nighttime thoroughbred simulcasting conducted by these off-track betting corporations.

The Board directed that these payments be made no later than sixty (60) calendar days after December 15, 2009.

10. MAINTENANCE OF EFFORT – SECTION 1017.2.b - FOR YEARS 2005 THROUGH 2008

The New York State Racing and Wagering Board approved the amounts of the additional payments to be made pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 1017.2(b) for years 2005, 2006, 2007, and 2008 by Capital District Regional Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation, Nassau Regional Off-Track Betting Corporation, New York City Off-Track Betting Corporation, and Suffolk Regional Off-Track Betting Corporation based upon aggregate statewide wagering handle after 7:30 p.m. on out-of-state and out-of-country thoroughbred simulcasting conducted by these off-track betting corporations. The amounts approved are subject to proportional distribution pursuant to the terms of Racing, Pari-Mutuel Wagering and Breeding Law Section 1017.2(b).

The Board directed that these payments be made no later than sixty (60) calendar days after December 15, 2009.

11. PROPOSED AMENDMENT TO SECTION 44(e) OF APPENDIX B OF THE SENECA NATION – STATE CLASS III GAMING

The New York State Racing and Wagering Board approved an amendment to the Nation-State Gaming Compact between the Seneca Nation of Indians and the State of New York, Appendix B, Section 44(e), proposed by Seneca Nation Resolution CN:R-12-12-09-26. This amendment relates to distribution of tips and gratuities from a common tip pool.

12. **IN THE MATTER OF CARMINE FUSCO**

The New York State Racing and Wagering Board, with Member Hogan abstaining, upheld the recommendations of designated Hearing Officer, Board Member Daniel D. Hogan, and:

- Upheld the 18 month license suspension and \$2500 fine based on the December 8, 2006 clenbuterol violation
- Revoked Mr. Fusco's license(s) for a period no less than five (5) years with the five (5) years to run concurrently with the 18 month period.
- During the period of his revocation, Mr. Fusco shall not directly or indirectly participate in New York pari-mutuel horse racing, is denied the privileges and use of the grounds of all racetracks, and is forbidden to participate in any share of purses or other payment. Further, any horse is denied the privileges of the grounds and shall not participate in pari-mutuel racing in New York State, which during the period of his revocation is (a) owned or trained by him, or by any individual who serves as his agent or employee, or (b) for which he is directly or indirectly involved with its training, including arrangements made to care for, train, enter, race, invoice, collect fees or payments, manage funds, employ or insure workers, provide advice or information, or otherwise assist with any aspect of the horse's training.

13. **IN THE MATTER OF KEITH BALL**

The New York State Racing and Wagering Board, with Member Hogan abstaining, upheld the recommendation of designated Hearing Officer, Board Member Daniel D. Hogan, and dismissed the charge and eight (8) day license suspension of harness racing driver Keith Ball in relation to violations of Board Rule 4117.4 (a), (c), and (k) while driving NORA'S DREAM in the ninth race at Batavia Downs on August 10, 2009.

14. **IN THE MATTER OF DAVID A. FLANIGEN**

The New York State Racing and Wagering Board, with Member Hogan abstaining, upheld the recommendation of designated Hearing Officer, Board Member Daniel D. Hogan, that the pari-mutuel harness racing license application of David A. Flanigen be refused based upon a finding that Mr. Flanigen's experience, character and general fitness are such that his participation in racing is inconsistent with the public interest, convenience and necessity, or with the best interests of racing generally.

15. **NOTICE OF ADOPTION – OUT OF COMPETITION DRUG TESTING OF RACE HORSES**

The New York State Racing and Wagering Board considered and approved for adoption the previously proposed harness and thoroughbred racing rules authorizing and governing out-of-competition equine drug testing [Rules 4043.1(g), 4043.12, 4120.1(g), and 4120.17 of Title 9 (E) NYCRR].

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. **CAPITAL DISTRICT REGIONAL OTB – 2009 PLAYER REWARDS THIRD QUARTER RESULTS**
Report concerning Capital District Regional OTB’s Player Rewards third quarter results for 2009.
2. **GAMES OF CHANCE/BELL JAR TICKETS**
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between October 1, 2009 through October 31, 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 October 6, 2009 through November 23, 2009.
4. **LICENSING/CURRENT LICENSE COUNT**
The current racing licensing counts as of October 31, 2009 since January 1, 2009 are as follows: total receipts 14,824 and total licenses 12,042 for the year 2009.
5. **2009 LICENSED SUPPLIERS**
List of licensed suppliers – manufacturers’ and distributors’ licenses issued for the time period of October 1, 2009 through October 31, 2009.
6. **INDIAN GAMING/LICENSING STATISTICS**
Licensing statistics for November 1, 2009 through November 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 12:11 p.m.