



**MINUTES
NEW YORK STATE RACING AND WAGERING BOARD
MEETING OF DECEMBER 16, 2008**

A meeting of the New York State Racing and Wagering Board was held on Tuesday, December 16, 2008 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 11:05 a.m.

In Attendance Were:

John D. Sabini, Chairman
Daniel D. Hogan, Member
John B. Simoni, Member
John Cansdale, Executive Director
Robert Feuerstein, General Counsel
Joseph Lynch, Director of Racing Operations
Thomas Casaregola, Director of Audits & Investigations
Gail Pronti, Secretary to the Board

Also in Attendance Were:

Joseph Mahoney, NYSR&WB
Kristen Buckley, NYSR&WB
Vivian Davis, NYSR&WB
Robert Hemsworth, Capital OTB
Jim Crane, Crane, Greene & Parente
Lisa Marrello, Wilson, Elser
Jerry Jennings, Wilson, Elser
Paul Post, Saratogian

OPEN COMMENT PERIOD: None.

A. The Board approved the minutes of the Board meeting held October 23, 2008.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. **BUFFALO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 22, 2008, 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 Dover Downs, Delaware from October 26 through December 31, 2008.
2. For entry into the minutes, on October 23, 2008, 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 Santa Anita (Oak Tree Racing Association), California limited to the Breeders' Cup World Championships to be conducted at Santa Anita on October 24, 2008 and October 25, 2008.
3. For entry into the minutes, on October 31, 2008, 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 Hollywood Park (Fall Meet), California through December 21, 2008.
4. **CAPITAL DISTRICT REGIONAL OTB – CLOSURE OF WHITEHALL OTB BRANCH LOCATION**
For entry into the minutes, on October 16, 2008, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track betting Corporation's plan of operation to reflect the closing of the branch located at 11909 State Route 4 in Whitehall, N.Y.
5. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO CONDUCT ANNUAL FALL CHALLENGE HANDICAPPING CONTEST**
For entry into the minutes, on October 16, 2008, the New York State Racing and Wagering Board approved the application by the Capital District Regional Off-Track Betting Corporation to conduct a Fall Challenge Handicapping Contest on Saturday, November 22 and Sunday, November 23, 2008.
6. **CAPITAL DISTRICT REGIONAL OTB – CLOSURE OF BRANCH LOCATION – HERKIMER, NEW YORK**
For entry into the minutes, on October 30, 2008, the NYS Racing and Wagering Board approved the closure of the Capital OTB branch located at the corner of State St. (State Route 5) and North Caroline Street and West Albany Street in Herkimer, N.Y. (Herkimer County) on October 26, 2008.

7. **CAPITAL DISTRICT REGIONAL OTB – NOVEMBER 2008 PROMOTIONS**
For entry into the minutes, on October 31, 2008, the New York State Racing and Wagering Board approved the October 29, 2008 application of the Capital District Regional Off-Track Betting Corporation to conduct the specified promotions and contests during the month of November 2008.
8. **CATSKILL REGIONAL OTB – REQUEST TO REVISE ACCOUNT DEPOSIT PROGRAM**
For entry into the minutes, on October 31, 2008, the NYS Racing and Wagering Board approved the Catskill OTB request to temporarily reduce the amount of required account activity to \$15,000.00 or more from the previously approved account level activity of \$50,000.00 or more.
9. **CATSKILL REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 16, 2008, the New York State Racing and Wagering Board approved an amendment to the plan of operation of Catskill Regional Off-Track Betting Corporation authorizing the simulcast for wagering purposes of races from Beulah Park, Ohio for the remainder of 2008.
10. **FINGER LAKES RACETRACK – REQUEST TO CONDUCT \$1,000 HIT THE BOARD ELIMINATOR CHALLENGE**
For entry into the minutes, on October 16, 2008, the NYS Racing and Wagering Board approved the Finger Lakes Racetrack request to conduct a \$1,000.00 “Hit the Board” Eliminator Challenge on each of the first three Saturdays of November 2008.
11. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 16, 2008, 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 Santa Anita (Oak Tree Racing Association), California, limited to the Breeders’ Cup World Championships to be conducted at Santa Anita on October 24, 2008 and October 25, 2008.
12. For entry into the minutes, on October 22, 2008, 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 Calder Race Course (Tropical Park meet), Florida for the remainder of 2008.
13. For entry into the minutes, on October 30, 2008, 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:

1. Beulah Park, Ohio through December 20, 2008
 2. Hollywood Park (Fall Meet), California for the remainder of 2008.
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14. For entry into the minutes, on October 30, 2008, 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 Churchill Downs (Fall Meet), Kentucky through November 29, 2008.
 15. For entry into the minutes, on November 13, 2008, 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 Fairgrounds, Louisiana for the remainder of 2008.
 16. **MONTICELLO RACEWAY - REQUEST FOR SIX SUPERFECTA POOLS PER PROGRAM**
For entry into the minutes, on October 31, 2008, the New York State Racing and Wagering Board approved the request of Monticello Raceway to conduct six superfectas per racing program for the month of November, 2008.

Monticello Raceway is required to submit a report no later than November 28, 2008 concerning the impact of the additional three superfectas per program including, but not limited to, the revenue generated and any comments received.
 17. **MONTICELLO RACEWAY - REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on September 18, 2008, 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 Laurel Park, Maryland through December 31, 2008.
 18. For entry into the minutes, on October 16, 2008, 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 Beulah Park, Ohio for the remainder of 2008.
 19. For entry into the minutes, on October 22, 2008, 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 Santa Anita (Oak Tree Racing Association), California, limited to the Breeders' Cup World Championships to be conducted at Santa Anita on October 24, 2008 and October 25, 2008.
 20. For entry into the minutes, on October 30, 2008, 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 Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel (Thoroughbred meet), Louisiana for the remainder of 2008.

21. For entry into the minutes, on October 31, 2008, 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 Hollywood Park (Fall Meet), California through December 21, 2008.
22. For entry into the minutes, on November 13, 2008, 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 Fairgrounds, Louisiana for the remainder of 2008.
23. For entry into the minutes, on November 25, 2008, 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 Turfway Park LLC, Kentucky for the remainder of 2008.
24. **MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 22, 2008, 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 2008 to the following additional secondary site, Blue Spider Networks, Munchen, Germany associated with the previously approved simulcasts to The Racing Network International, Oregon.
25. For entry into the minutes, on October 30, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to amend its previously approved export contract with River Downs, Ohio to include wagering on such races as part of the Player Reward program of River Downs.
26. For entry into the minutes, on October 30, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to amend its previously approved export contract with Mohegan Sun at Pocono Downs (with four [4] secondary sites), Pennsylvania to include wagering on such races as part of the Player Reward program of Mohegan Sun at Pocono Downs.
27. For entry into the minutes, on October 31, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to amend its previously approved export contract with Buffalo Trotting Association, New York, to include wagering on such races as part of the Player Reward program of Buffalo Trotting Association.
28. For entry into the minutes, on November 4, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its standardbred racing programs for wagering purposes to Racing & Gaming Services, St. Kitts, West Indies through November 30, 2008.

29. For entry into the minutes, on November 6, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to amend its previously approved export contracts with the following tracks to include wagering on such races as part of their Player Reward programs:
 1. Day at The Track, California
 2. Northfield Park (with one [1] secondary site), Ohio
 3. Philadelphia Park (with eight [8] secondary sites), Pennsylvania
 4. Premier Turf Club, LLC, North Dakota
 5. Youbet.com, California.
30. For entry into the minutes, on November 13, 2008, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its standardbred racing programs for wagering purposes to Ruidoso Downs, New Mexico on December 24, 2008.
31. For entry into the minutes, on November 13, 2008, 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 remainder of 2008 to Las Vegas Dissemination Company for purposes of only one [1] secondary site, Elite Turf Club N.V., Nevada.
32. For entry into the minutes, on November 24, 2008, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt., Inc. request to amend its previously approved export contracts with the following sites to include wagering on such races as part of their Player Reward programs:
 1. Southland Park Gaming & Racing, Arkansas
 2. ODS Technologies dba TVG, Oregon
 3. Connecticut OTB (with the thirteen [13] specified secondary sites), Connecticut
 4. The Racing Channel, Pennsylvania.
33. **NASSAU REGIONAL OTB – REQUEST TO CONDUCT HOLIDAY SWEEPSTAKES**
For entry into the minutes, on November 25, 2008, the New York State Racing and Wagering Board approved the Nassau Regional Off-Track Betting Corporation request to conduct the “Holiday Sweepstakes” between December 1 and December 20, 2008.
34. **NASSAU REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 31, 2008, the New York State Racing and Wagering Board approved amendments to the plans of operation of Nassau Regional Off-Track Betting Corporation, for itself and on behalf of Suffolk Regional Off-Track Betting Corporation, authorizing the simulcast for wagering purposes of races from Batavia Downs, New York for the remainder of 2008.

35. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 22, 2008, 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, limited to the Breeders' Cup World Championships to be conducted at Santa Anita on October 24, 2008 and October 25, 2008.
36. For entry into the minutes, on October 31, 2008, 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 21, 2008.
37. For entry into the minutes, on November 13, 2008, 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 from November 14 through December 31, 2008.
38. For entry into the minutes, on November 19, 2008, 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 Woodbine Entertainment Group d/b/a Woodbine Racetrack and Mohawk Racetrack, Ontario, Canada for the remainder of 2008.
39. For entry into the minutes, on November 24, 2008, 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 for the remainder of 2008.
40. **NYRA – AQUEDUCT RACETRACK FALL HANDICAPPING CHALLENGE, NOVEMBER 15 AND 16**
For entry into the minutes, on November 6, 2008, the New York State Racing and Wagering Board approved the November 1, 2008 request of the New York Racing Association, Inc. to conduct the 2008 Aqueduct Racetrack Handicapping Challenge on November 15-16, 2008.
41. **NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 22, 2008, 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, limited to the Breeders' Cup World Championships to be conducted at Santa Anita on October 24, 2008 and October 25, 2008.

42. For entry into the minutes, on October 22, 2008, the New York State Racing and Wagering Board approved an amendment to The New York Racing Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Calder Race Course (Tropical Park meet), Florida from October 23 through December 31, 2008.
43. For entry into the minutes, on October 30, 2008, 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 through November 24, 2008.
44. For entry into the minutes, on October 30, 2008, 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 (Thoroughbred meet), Louisiana for the remainder of 2008.
45. For entry into the minutes, on October 30, 2008, 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 following tracks:
 1. Beulah Park, Ohio through December 20, 2008
 2. Hollywood Park (Fall Meet), California for the remainder of 2008.
46. For entry into the minutes, on November 6, 2008, 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 Retama Development Corporation (Retama Park), Texas for the remainder of 2008.
47. For entry into the minutes, on November 13, 2008, 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 Fairgrounds, Louisiana for the remainder of 2008.
48. For entry into the minutes, on November 24, 2008, 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 My Way Holdings, LLC d.b.a. Sunland Park Racetrack & Casino, New Mexico from December 12 through December 31, 2008.

49. **NYRA – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 16, 2008, the New York State Racing and Wagering Board approved The New York Racing Association, Inc. request to amend its previously approved simulcast export contracts to reflect the change the takeout rates on live NYRA racing with the following entities effective September 15, 2008, including any approved secondary or associated sites:
1. Sudbury Downs (with nine [9] secondary sites), Ontario
 2. Rideau Carleton, Ontario
 3. Stampede Park (with three [3] secondary sites), Alberta.
50. For entry into the minutes, on October 16, 2008, 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 Beulah Park, Ohio for the remainder of 2008.
51. For entry into the minutes, on October 24, 2008, 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 2008 to the following additional secondary site, Millennium Racing OTB, St. Thomas, US Virgin Islands, associated with the previously approved simulcasts to Autotote Enterprises Inc., Connecticut.
52. For entry into the minutes, on October 30, 2008, 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 three [33] secondary sites), California through December 21, 2008.
53. This number deliberately left blank.
54. **SARATOGA GAMING & RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 22, 2008, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Dover Downs, Delaware from October 26 through December 31, 2008.
55. For entry into the minutes, on October 22, 2008, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Santa Anita (Oak Tree Racing Association), California, limited to the Breeders’ Cup World Championships to be conducted at Santa Anita on October 24, 2008 and October 25, 2008.

56. For entry into the minutes, on November 13, 2008, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from My Way Holdings, LLC d.b.a. Sunland Park Racetrack & Casino, New Mexico from November 14 through December 31, 2008.
57. For entry into the minutes, on November 14, 2008, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Fairgrounds, Louisiana for the remainder of 2008.
58. For entry into the minutes, on November 24, 2008, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming & Raceway 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 for the remainder of 2008.
59. **SUFFOLK REGIONAL OTB – REQUEST TO HOLD GRAND OPENING PROMOTION AT MAIN STREET PUB**
For entry into the minutes, on October 22, 2008, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation request to conduct a “grand opening” promotion of a Qwik Bet at the Main Street Pub in Kings Park, New York on November 15, 2008.
60. **TIOGA DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 16, 2008, 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 limited to the Breeders’ Cup World Championships to be conducted at Santa Anita on October 24, 2008 and October 25, 2008.
61. For entry into the minutes, on October 30, 2008, 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 following tracks for the remainder of 2008:
1. Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel (Thoroughbred meet), Louisiana
 2. Dover Downs, Inc., Delaware.
62. For entry into the minutes, on October 30, 2008, 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 following tracks:
1. Calder Race Course (Tropical Park meet), Florida for the remainder of 2008
 2. Churchill Downs (Fall Meet), Kentucky through November 29, 2008.

63. For entry into the minutes, on October 31, 2008, 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 for the remainder of 2008.
64. For entry into the minutes, on November 17, 2008, 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, Louisiana for the remainder of 2008.
65. **VERNON DOWNS – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 16, 2008, 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, limited to the Breeders’ Cup World Championships to be conducted at Santa Anita on October 24, 2008 and October 25, 2008.
66. For entry into the minutes, on October 30, 2008, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from the following tracks for the remainder of 2008:
 1. Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel (Thoroughbred meet), Louisiana
 2. Dover Downs, Inc., Delaware.
67. For entry into the minutes, on October 30, 2008, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from the following tracks:
 1. Calder Race Course (Tropical Park meet), Florida for the remainder of 2008
 2. Churchill Downs (Fall Meet), Kentucky through November 29, 2008.
68. For entry into the minutes, on October 31, 2008, 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 for the remainder of 2008.
69. For entry into the minutes, on November 17, 2008, 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, Louisiana for the remainder of 2008.

70. **YONKERS RACEWAY – REQUEST TO OFFER ACCOUNT WAGERING PROMOTIONS**
For entry into the minutes, on November 6, 2008, the New York State Racing and Wagering Board approved the October 15, 2008 Yonkers Raceway request to conduct the account wagering promotions specified in the application.
71. **YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2008**
For entry into the minutes, on October 22, 2008, 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 limited to the Breeders’ Cup World Championships to be conducted at Santa Anita on October 24, 2008 and October 25, 2008.
72. For entry into the minutes, on October 23, 2008, 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 Calder Race Course (Tropical Park meet), Florida from October 23 through December 31, 2008.
73. For entry into the minutes, on October 30, 2008, 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 31, 2008.
74. For entry into the minutes, on October 30, 2008, 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, Kentucky through November 29, 2008.
75. For entry into the minutes, on October 30, 2008, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from:
1. Boyd Racing L.L.C. d/b/a Delta Downs Racetrack Casino & Hotel (Thoroughbred meet), Louisiana for the remainder of 2008
 2. Hollywood Park Racing Association, California through December 21, 2008.
76. For entry into the minutes, on October 30, 2008, 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 Western Fair Raceway, Ontario, Canada for the remainder of 2008.
77. For entry into the minutes, on October 30, 2008 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 Beulah Park, Ohio through December 20, 2008.

78. For entry into the minutes, on November 13, 2008, 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 Fairgrounds, Louisiana from November 14 through December 31, 2008.

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

1. **BUFFALO RACEWAY - REQUEST FOR APPROVAL OF PEACE OFFICERS**

For entry into the minutes, on October 28, 2008, pursuant to Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board granted the Buffalo Trotting Association, Inc. request for the appointment of four individuals submitted as special policemen within and around the grounds of Buffalo Raceway.

The four (4) individuals approved are:

Paul J. Kihl
Charles P. Palumbo
Thomas Smeeding
Michael J. Zsiros, III.

2. **IN THE MATTER OF MIGUEL ALIAGA**

For entry into the minutes, on October 23, 2008, the New York State Racing and Wagering Board summarily suspended the occupational license of thoroughbred groom Miguel Aliaga based on violation of Board Rule 4042.5.

3. **VERNON DOWNS - REQUEST TO BUILD KNEE WALL IN RING EYED PETE'S**

For entry into the minutes, on November 3, 2008, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 322, the New York State Racing and Wagering Board approved the request by American Racing-Vernon Downs, Inc. for the construction of a knee wall in Ring Eyed Pete's Bar located on the gaming floor at Vernon Downs as described in the October 27, 2008 letter and the building permit dated October 29, 2008 for Project No. S3003.

4. **IN THE MATTER OF RICK P. ZUFELT**

For entry into the minutes, on November 4, 2008, the New York State Racing and Wagering Board summarily suspended the thoroughbred groom/exercise rider license of Rick P. Zufelt based on violation of Board Rule 4042.5.

5. **CAPITAL DISTRICT REGIONAL OTB – APPROVAL OF NEW E-Z BET– HOUR TIME VALATIA, NY**

For entry into the minutes, on November 6, 2008, the New York State Racing and Wagering Board approved an amendment to the Capital Region Off-Track Betting Corporation’s plan of operation to authorize the continuing operation through December 31, 2008 under new ownership of the E-Z Bet facility (Hour Time, formerly known as Kappy’s Lounge & Grill) located at 2819 US Route 9, Valatie, New York.

6. **SUFFOLK REGIONAL OTB – REQUEST TO APPOINT BOARD MEMBER – DOMINICK P. FEENEY**

For entry into the minutes, on November 13, 2008, the NYS Racing and Wagering Board approved an amendment to the Suffolk Off-Track Betting Corporation’s plan of operation to reflect the appointment of Dominick Feeney as a member of its Board of Directors.

7. **NEW YORK JOCKEY INJURY COMPENSATION FUND, INC. - ASSESSMENT OF OWNERS AND TRAINERS FOR THE YEAR 2009**

For entry into the minutes, on November 21, 2008, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York Jockey Injury Compensation Fund, Inc. for the method of funding and assessment plan for 2009 as set forth in the attachments to the submitted application dated November 12, 2008.

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

1. **NOTICE OF ADOPTION – ANABOLIC STEROIDS**

The NYS Racing and Wagering Board approved the adoption of amendments to Board Rules 4043.2(e)(9) and 4120.2(e)(9) and the addition of Rules 4043.15 and 4120.12 in relation to the regulation of anabolic steroids. These rules will be effective on January 1, 2009.

2. **NEW YORK CITY OTB – SIMULCAST LICENSE APPLICATION FOR 2008**

The New York State Racing and Wagering Board deferred action on New York City Off-Track Betting Corporation’s 2008 simulcast license application pending review of the information sought in the July 10, 2008 letter from Thomas V. Casaregola to Ira H. Block.

3. **NYRA – RACING OFFICIALS FOR 2009**

Pursuant to Board Rule 4005.1, the New York State Racing and Wagering Board approved the December 4, 2008 request, as amended, of The New York Racing Association, Inc. to employ the twenty-five (25) Category I, five (5) Category II and two (2) Category III racing officials specified during the year 2009.

4. **NYRA – 2009 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 December 4, 2008 request of The New York Racing Association, Inc. for the year 2009 race dates for thoroughbred race meetings at Aqueduct Racetrack, Belmont Park and Saratoga Racecourse.

The New York State Racing and Wagering Board 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 2009 as set forth in the December 4, 2008 request, except as follows:

- Superfecta wagering is permissible only with eight (8) betting interests; however, superfecta wagering may continue with seven (7) betting interests in the event of a scratch between the paddock and loading the horses into the starting gate.
- Exceptions for the required number of superfecta wagering interests will be considered by the Board on a case by case basis on application by NYRA.
- 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.
- No generic authorization is granted for the 60 Minute Six; these are subject to consideration of individual applications for such wagering.

5. **THE JOCKEY CLUB – RACING STEWARDS FOR 2009**

Pursuant to Board Rules 4005.1 and 4023.1, the New York State Racing and Wagering Board approved The Jockey Club request to employ Dr. 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 2009 racing seasons.

6. **BUFFALO RACEWAY – 2009 TRACK & SIMULCAST LICENSE APPLICATIONS**

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

The Board assigned the 90 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 totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator 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 totalizator 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(l)-Independent Monitoring System.

7. **MONTICELLO RACEWAY – 2009 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 2009 only**.
8. **YONKERS RACEWAY – 2009 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 2009 only**.
9. **CATSKILL REGIONAL OTB – 2009 SIMULCAST LICENSE APPLICATION**
The New York State Racing and Wagering Board granted the Catskill Regional Off-Track Betting Corporation simulcast license for 2009 for twenty (20) simulcast branches, four (4) remote-type facilities, and one teletheater.

The 2009 simulcast license is conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board, including:

- a. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2009.
- b. Rule 5100.2(b)(1), which requires that the totalisator system be in compliance with Rule 4100.24(l)-Independent Monitoring System.

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 Board did not grant that part of the application which sought exemption from the requirements of 9 NYCRR Section 5100.19. Thus, these requirements will apply when the rule becomes effective on January 1, 2009.

10. NASSAU REGIONAL OTB – 2009 SIMULCAST LICENSE APPLICATION

The New York State Racing and Wagering Board granted the Nassau Regional Off-Track Betting Corporation simulcast license for 2009 for ten (10) simulcast branches, nine (9) restaurant-type facilities, and one teletheater.

The 2009 simulcast license is conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board, including:
 - a. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2009.
 - b. Rule 5100.2(b)(1), which requires that the totalisator system be in compliance with Rule 4100.24(l)-Independent Monitoring System.

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).

11. SUFFOLK REGIONAL OTB – 2009 SIMULCAST LICENSE APPLICATION

The New York State Racing and Wagering Board granted the Suffolk Regional Off-Track Betting Corporation simulcast license for 2009, for thirteen (13) simulcast branches, eleven (11) Qwik Bet type facilities, and one teletheater.

The 2009 simulcast license is conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board, including:

- a. An SAS-70 Type II audit is to be performed for the current licensing period on the totalisator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2009.
- b. Rule 5100.2(b)(1), which requires that the totalisator system be in compliance with Rule 4100.24(1)-Independent Monitoring System.

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).

12. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO AMEND CASH CARD INTERNAL CONTROLS

The New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation request to amend its internal controls for the Capital Cash Cards as specified in its letter dated October 23, 2008 and subsequent related submissions.

13. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO MODIFY CAPITAL OTB CASH REWARD PROGRAM

The New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation request to modify its Players Rewards Program to allow patrons who have accumulated \$1,000 or more in cash rewards during the month to request a funding of such rewards prior to the end of each month as specified in its October 30, 2008 letter.

14. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO TRANSFER EZ BET LICENSE TO “HOUR TIME” FORMERLY “KAPPY’S LOUNGE AND GRILL”

The NYS Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation simulcast plan of operation to authorize the operation of an E-Z Bet simulcast facility located in Valatie, N.Y. at the “Hour Time” (formerly the licensed Kappy’s Lounge and Grill) effective immediately.

15. CAPITAL DISTRICT REGIONAL OTB – NEW EZ BET LOCATION OLD NORTHERN PUB, TUPPER LAKE

The NYS Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation simulcast plan of operation to authorize the operation of an E-Z Bet facility located in Tupper Lake, N.Y. at the Old Northern Pub effective January 1, 2009.

16. CATSKILL REGIONAL OTB – REQUEST TO IMPLEMENT CONTRACT WITH MONEY MOVERS OF AMERICA

The New York State Racing and Wagering Board approved the request by the Catskill Regional Off-Track Betting Corporation to amend its plan of operation to reflect the contract with Money Movers of America Inc. as specified in its September 1, 2007 letter.

17. **CATSKILL REGIONAL OTB – ACCOUNT WAGERING CARDS**
The New York State Racing and Wagering Board approved the request by the Catskill Regional Off-Track Betting Corporation to implement the use of account wagering cards as specified in its July 2, 2007 letter.
18. **CATSKILL REGIONAL OTB – REQUEST TO INSTALL “STANS” - ROADHOUSE BAR & GRILL, AIRMONT**
The NYS Racing and Wagering Board approved an amendment to the Catskill Regional Off-Track Betting Corporation plan of operation to authorize the installation and use of “STANS” machines in Airmont, N.Y. at the Road House Bar and Grill effective January 1, 2009.
19. **YONKERS RACEWAY – REQUEST TO WITHDRAW \$225,342.32 FROM CIF**
The New York State Racing and Wagering Board approved the Yonkers Raceway request to withdraw a total of \$225,342.32 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:
- | | |
|----------------------------------|--------------------------|
| <u>Backstretch (100%)</u> | |
| Trailer for Track Offices | \$26,964. |
| Track Conditioner Equipment | 11,816. |
| Front End Loader | 130,050.00 |
| Relocation of Light Pole | <u>56,511.30</u> |
| | <u>\$225,342.</u> |
| Total Approved | <u>\$225,342.</u> |
20. **PROPOSED RULEMAKING – REPEAL OF STATE LOTTERY RULES – PARTS 5000 & 5001 NYCRR**
The New York State Racing and Wagering Board approved a proposal by consensus rulemaking to repeal the obsolete State Lottery rules set forth at 9NYCRR Parts 5000 and 5001.
21. **FIVE YEAR REVIEW OF RULES FOR CALENDAR YEARS 2003 AND 1998**
Pursuant to Section 207 of the State Administrative Procedure Act, the New York State Racing and Wagering Board approved the continuation of the rules adopted in 2003 and 1998 without modification. The Five-Year Rule Review notice for rules adopted in 2003 and 1998 was published in the *State Register* on October 15, 2008.
22. **CAPITAL DISTRICT REGIONAL OTB – 2009 SIMULCAST LICENSE APPLICATION**
The New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation simulcast license for 2009 for forty-one (41) simulcast branches, 37 EZ-Bet-type facilities, and one teletheater.

The 2009 simulcast license is conditioned upon the following:

- Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board, including:
 - a. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2009.
 - b. Rule 5100.2(b)(1), which requires that the totalisator system be in compliance with Rule 4100.24(l)-Independent Monitoring System.

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).

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. INDIAN GAMING/LICENSING STATISTICS

Licensing statistics for October 1, 2008 through October 31, 2008. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.

2. GAMES OF CHANCE/BELL JAR TICKETS

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between October 1, 2008 through October 31, 2008.

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 8, 2008 through November 3, 2008.

4. LICENSING/CURRENT LICENSE COUNT

The current racing licensing counts as of October 31, 2008 since January 1, 2008 were as follows: total receipts 15,126 and total licenses 11,720 for the year 2008.

5. 2008 LICENSED SUPPLIERS

List of licensed suppliers – manufacturers' and distributors' licenses issued for the time period of October 1, 2008 through October 31, 2008.

6. BUFFALO RACEWAY – INFORMATION RELATIVE TO PEACE OFFICERS

The conditions have been fulfilled and licenses have been issued on the following individuals who were previously approved by the Board as special policemen at Buffalo Raceway:

Kihl, Paul
Palumbo, Charles
Smeeding, Thomas
Zsiros III, Michael

7. **NYRA 2008 THIRD QUARTER RESULTS FOR NYRA REWARDS**
The reports for the third quarter (July - September) of 2008 were filed on October 15, 2008.
8. **CAPITAL DISTRICT REGIONAL OTB - THIRD QUARTER PLAYER REWARDS RESULTS FOR 2008**
The reports for the third quarter (July - September) of 2008 were filed on October 28, 2008.
9. **GAMES OF CHANCE/BELL JAR TICKETS**
List of bell jar tickets authorized/denied by the Charitable Gaming Unit between November 1, 2008 through November 30, 2008.
10. **GAMES OF CHANCE/BINGO REGISTRATION NUMBERS - 1208-31-E**
List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit from November 4, 2008 through November 28, 2008.
11. **LICENSING/CURRENT LICENSE COUNT**
The current racing licensing counts as of November 30, 2008 since January 1, 2008 are as follows: total receipts 16,120 and total licenses 12,844 for the year 2008.
12. **INDIAN GAMING/LICENSING STATISTICS**
Licensing statistics for November 1, 2008 through November 30, 2008. Also included were the certifications for Oneida, Mohawk, Seneca Allegany, Seneca Buffalo and Seneca Niagara.
13. **SAS 70 TYPE II AUDIT REPORTS OF TOTALISATOR SYSTEMS**
SAS 70 TYPE II REQUIREMENT FOR 2008
All licensed racetracks and off-track betting corporations were directed by the Board, as part of their condition of licensing for 2008 to, among other things, have an SAS-70 Type II audit performed for the current licensing period on the totalisator operations utilized and located at their facility. The following is a listing of all licensed racetracks and OTB's by totalisator provider:

United Tote

- NYRA
- Finger Lakes Racetrack
- Capital OTB
- Western OTB
- Batavia Downs
- Tioga Downs
- Vernon Downs

Scientific Games

- Nassau OTB
- Suffolk OTB
- Catskill OTB
- Yonkers Raceway
- Saratoga Equine Sports Center
- Monticello Raceway

AmTote

- NYCOTB
- Buffalo Raceway

Reports were received for each track or OTB.

Staff has concluded that these reports meet the minimum requirements established by the Board for each of the OTB's and tracks.

A summary and analysis of each report that was received is available.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

The meeting adjourned at 11:54 a.m.