

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF APRIL 26, 2007

A meeting of the New York State Racing and Wagering Board was held on Thursday, April 26, 2007 at 11:00 a.m. at the Racing & Wagering Board's Schenectady Office located at 1 Broadway Center, Suite 600, Schenectady, New York.

The meeting was called to order at 11:08 a.m.

In Attendance Were:

Daniel D. Hogan, Chairman

Michael J. Hoblock, Jr., Member

John B. Simoni, Member

Robert Feuerstein, General Counsel

Joseph Lynch, Director of Racing Operations

Thomas Casaregola, Director of Audits & Investigations

Kevin Dempsey, Director of Administration

Gail Pronti, Secretary to the Board

Also in Attendance Were:

Daniel Toomey, NYSR&WB

Brian DeJong, Saratoga Gaming & Raceway

Norma Soodsma, NYSR&WB

James Crane, Crane Vacco

Kristen Buckley, NYSR&WB

Bill Crowell, Whiteman Osterman

Vivian Davis, NYSR&WB

Charles Coppola, CRM

James Kellogg, Audits & Investigations

Bob Connors, Schenectady Gazette

Rick Goodell, Assistant Counsel

Bill Sekellick, Assistant Counsel

Paul Onyon, Assistant Director of Racing Operations

Jason Settlemoir, American Racing & Entertainment

John Ryan, NYRA

Harshal Kadakia, NYRA

Dan Wray, NYCOTB

Karen Murphy, Bonstrom & Murphy

Marlene Brody, Gallagher's Stud

Mallory Moot, Gallagher's Stud

Robert Hemsworth, Capital OTB

George Carlson, Saratoga Gaming & Raceway

OPEN COMMENT PERIOD: Comments began at 11:02 a.m.

Karen Murphy, Esq. spoke on behalf of Marlene Brody concerning an adjudicatory matter on the agenda (D-15). Ms. Murphy stated that a whip infraction did occur but it was not willful. She

stated that there was no predicate foul under the rules and therefore the placement could not be upheld by the Board.

Comments ended at 11:06 a.m.

A. The Board approved the minutes of the Board meeting held on March 22, 2007.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR

1. BUFFALO RACEWAY – REQUEST TO IMPORT TO VARIOUS LOCATIONS IN 2007

For entry into the minutes, on April 5, 2007, 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 during 2007 from:

1. Keeneland Association Inc., Kentucky (through May 1, 2007 ONLY)
2. Tioga Downs, New York
3. Vernon Downs, New York.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Buffalo Trotting Association, Inc.'s simulcast license. Further, Buffalo Trotting Association, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Buffalo Trotting Association, Inc. may or will provide rebates on wagers for races at that site.

2. BUFFALO RACEWAY – REQUEST TO EXPORT TO VARIOUS

LOCATIONS IN 2007

For entry into the minutes, on March 13, 2007, the New York State Racing and Wagering Board approved the Buffalo Trotting Association Inc. request to simulcast its standardbred racing programs for wagering purposes to:

1. Day At The Track, Idaho through December 31, 2007.
2. Youbet.com, Inc., California and Oregon through December 31, 2007.
3. Scarborough Downs, Maine through December 31, 2007.
4. NJSEA (Meadowlands/Monmouth), New Jersey through December 31, 2007.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below and the agreements are deemed to be amended in this regard. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Buffalo Trotting Association, Inc. simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites. Books and records must be maintained for two years from the date of the simulcasts. The guest and all secondary sites 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 the Buffalo Trotting Association, Inc. simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. "Manuel merge" as set forth is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on Buffalo Trotting Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - f. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
3. For entry into the minutes, on March 13, 2007, the New York State Racing and Wagering Board approved the Buffalo Trotting Association Inc. request to simulcast its standardbred racing programs from Buffalo Trotting Association, Inc. for wagering purposes to:
1. Americatab, Oregon through December 31, 2007.
 2. Scioto Downs Inc., Ohio through December 31, 2007.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as other wise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Buffalo Trotting Association, Inc. simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. The guest and all

secondary sites 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 the Buffalo Trotting Association, Inc. simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. "Manuel merge" as set forth is prohibited unless specifically authorized in writing by the Board.
 - e. No receiving or secondary sites may rebate on Buffalo Trotting Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - f. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
4. For entry into the minutes, on March 13, 2007, the New York State Racing and Wagering Board approved the Buffalo Trotting Association Inc. request to simulcast its standardbred racing programs from Buffalo Trotting Association, Inc. for wagering purposes to:
- 1. Capital District Regional Off-Track Betting Corporation, New York through December 31, 2007.
 - 2. Saratoga Gaming & Raceway, New York through December 31, 2007.
 - 3. Nassau Regional Off-Track Betting Corporation and Suffolk Regional Off-Track Betting Corporation, New York through December 31, 2007.

Approval is limited to the guest sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Buffalo Trotting Association, Inc. simulcast signal by authorized recipients to secondary recipients is not allowable unless these

secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.

- b. “Manuel merge” as set forth is prohibited unless specifically authorized in writing by the Board.

- c. No receiving or secondary sites may rebate on Buffalo Trotting Association, Inc. races unless disclosed within the terms of the agreements as submitted to the Board for approval.
5. For entry into the minutes, on March 15, 2007, the New York State Racing and Wagering Board approved the Buffalo Trotting Association Inc. request to simulcast its standardbred racing programs from Buffalo Trotting Association, Inc. for wagering purposes to:
- 1. Catskill Regional Off-Track Betting Corporation, New York through December 31, 2007.
 - 2. Yonkers Raceway, New York through December 31, 2007.
 - 3. Batavia Downs, New York through December 31, 2007.
 - 4. Western Regional Off-Track Betting Corporation through December 31, 2007.

Approval is limited to the guest sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Buffalo Trotting Association, Inc. simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. "Manual merge" is prohibited unless specifically authorized in writing by the Board.
- c. No receiving or secondary sites may rebate on Buffalo Trotting Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.

6. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its standardbred racing programs for wagering purposes to:

1. Tioga Downs, New York.
2. Vernon Downs, New York.

Approval is limited to the guest sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Buffalo Trotting Association, Inc. simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.

- b. No receiving or secondary sites may rebate on Buffalo Trotting Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - c. Guests (and secondary sites) must maintain books and records relative to wagers on Buffalo Trotting Association, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request.
 - d. "Manual Merge" is prohibited without the express approval of the Board.
7. For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved the Buffalo Trotting Association, Inc. request to simulcast its standardbred racing programs for wagering purposes during 2007 to Racing & Gaming Services (RGS), St. Kitts.

Approval is limited to the guest site specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the Buffalo Trotting Association, Inc. simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites. Guests (and secondary sites) must maintain books and records relative to wagers on Buffalo Trotting Association, Inc. simulcasts for a period of two years from the date of each simulcast. The guest and all secondary sites 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 the Buffalo Trotting Association, Inc. simulcast

transactions, if not included within individual contracts, must be supplied to the Board.

- d. No receiving or secondary sites may rebate on Buffalo Trotting Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. “Manual Merge” is prohibited without the express approval of the Board.

8. CAPITAL DISTRICT REGIONAL OTB – REQUEST AMENDING “MARCH MADNESS” PROMOTIONS

For entry into the minutes, on March 13, 2007, the New York State Racing and Wagering Board approved a revised application, dated March 12, 2007, by the Capital District Regional Off-Track Betting Corporation to conduct March Madness promotions at its Albany Teletheater on March 15, March 16, and March 17, 2007, as well as a promotion at the same location from March 15 through March 31, 2007. These promotions must be conducted in accordance with the application and conditions submitted to the Board.

The Board’s March 1, 2007 approval of the prior March Madness promotion application was rescinded.

9. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR APRIL PROMOTIONS

For entry into the minutes, on April 4, 2007, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct various promotions during April of 2007, including “fan appreciation days, promotional days at the Teletheater/Telebranch, harness night at the Teletheater, a future pool wager, surcharge free Tuesdays, and an “on line” contest.” There is no charge for any of these promotions.

10. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 20, 2007, the New York Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation’s simulcast plan of operation authorizing the simulcast for wagering purposes of races from Fairmount Park, Inc. Illinois through September 29, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Capital District Regional Off-Track Betting Corporation’s simulcast license. Further, Capital District Regional Off-Track Betting

Corporation is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Capital District Regional Off-Track Betting Corporation may or will provide rebates on wagers for races at that site. Video streaming is prohibited.

11. FINGER LAKES RACETRACK – REQUEST TO UTILIZE NET POOL PRICING/COMMON POOL WAGERING WITH CANADA

For entry into the minutes, on March 19, 2007, the New York State Racing and Wagering Board approved an extension of the previously issued approval, dated April 3, 2006, which authorized the Finger Lakes Racing Association to conduct common pool wagering with net pool pricing with all Canadian simulcast guests. This extension is granted for the year 2007 and on an indefinite basis thereafter on the following conditions:

1. Any required approvals of Canadian regulatory authorities;
2. Compliance with the conditions set forth in the Board's April 3, 2006 letter referenced above; and
3. This extension is rescinded and of no force and effect in the event there are any changes to the operation of the net pool pricing system or of the totalizator software without the prior written approval of the Board.

12. FINGER LAKES RACETRACK – REQUEST TO CANCEL TWO SCHEDULED RACE DATES IN APRIL 2007

For entry into the minutes, on April 5, 2007, the New York Racing and Wagering Board approved the Finger Lakes Racetrack request to cancel the previously approved race dates of April 20 and 27, 2007.

13. FINGER LAKES RACETRACK - REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 22, 2007, 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 Keeneland Association Inc., Kentucky, through May 1, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Finger Lakes Racing Association, Inc. simulcast license. Further, Finger Lakes Racing Association, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Finger Lakes Racing Association, Inc. may or will provide rebates on wagers for races at that site.

14. For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved an amendment to the Finger Lakes Racing Association, Inc. simulcast plan of operation authorizing an amendment to the simulcast for wagering purposes of races from Delaware Racing Association, Delaware through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Finger Lakes Racing Association, Inc. simulcast license. Further, Finger Lakes Racing Association, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Finger Lakes Racing Association, Inc. may or will provide rebates on wagers for races at that site.

15. For entry into the minutes, on April 5, 2007, 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 Sterling Suffolk Racecourse, LLC, Massachusetts, from May 5, 2007 through November 10, 2007.

Approval is conditioned upon compliance with the terms of the agreement and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and condition of approval of Finger Lakes Racing Association, Inc simulcast license. Further, Finger Lakes Racing Association, Inc. is prohibited from rebating as

a guest on simulcasts unless the host site acknowledges in writing that Finger Lakes Racing Association, Inc. may or will provide rebates on wagers for races at that site.

16. FINGER LAKES RACETRACK – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007

For entry into the minutes, on April 2, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to export its simulcast thoroughbred racing programs for wagering purposes during 2007 and 2008 to:

1. Capital District Off-Track Betting Corporation, New York
2. Suffolk Regional Off-Track Betting Corporation, New York
3. Monticello Raceway Mgmt, Inc., New York.

Approval is limited to the guest sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Finger Lakes Racing Association, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc.'s races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- c. "Manuel Merge" is prohibited without the express authorization of the Board.

17. For entry into the minutes, on April 2, 2007, 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 during 2007 and 2008 to Saratoga Gaming & Raceway, New York.

Approval is limited to the guest site specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Finger Lakes Racing Association, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc.'s races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - c. "Manuel Merge" is prohibited without the express authorization of the Board.
18. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to:
1. AmericaTab, Oregon
 2. Beulah Park, Ohio
 3. Choctaw Racing Services, Oklahoma
 4. Lebanon Raceway, Ohio (with eleven [11] satellite sites).

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Finger Lakes Racing Association, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
 - c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Finger Lakes Racing Association, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request. The guest and all secondary sites 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 Finger Lakes Racing Association Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
19. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to:
1. Georgian Downs (with three [3] satellite sites), Ontario, Canada
 2. Fort Erie Race Track (with four [4] satellite sites), Ontario, Canada
 3. Fraser Downs Racetrack & Casino (with one [1] satellite site), British Columbia, Canada.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Finger Lakes Racing Association, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
 - c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Finger Lakes Racing Association, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request the guest and all secondary sites 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 Finger Lakes Racing Association Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. "Manuel Merge" is prohibited without express approval of the Board.
20. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to:

1. Hastings Entertainment Inc. (Hastings Race Course), British Columbia, Canada
2. TBC Teletheatre BC (with sixteen [16] satellite sites), British Columbia, Canada.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Finger Lakes Racing Association, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Finger Lakes Racing Association, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request/ the guest and all secondary sites 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 Finger Lakes Racing Association Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manuel Merge" is prohibited without express approval of the Board.

21. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to:

1. Ajax Downs, Ontario, Canada
2. Western Fair Raceway, Ontario, Canada.

Approval is limited to the guest sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Finger Lakes Racing Association, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for two year from the date of the simulcast. The guest and all secondary sites 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 Finger Lakes Racing Association Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.

- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. “Manual merge” is prohibited unless specifically required pursuant to Canadian law or regulation, and only to the extent so authorized.

The commingling of wagers with payouts on a net pool pricing basis is subject to previously established conditions for net pool pricing with Canadian guest sites.

22. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to:
 1. Attractions Hip piques (with seventeen [17] satellite sites), Quebec, Canada
 2. Hiawatha Horse Park, Ontario, Canada
 3. Woodbine Entertainment Group (with thirty [36] satellite sites), Ontario, Canada.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Finger Lakes Racing Association, Inc.’s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary

sites) must maintain books and records relative to wagers on Finger Lakes Racing Association, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request the guest and all secondary sites 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 Finger Lakes Racing Association Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manuel Merge" is prohibited without express approval of the Board.

The commingling of wagers with payouts on a net pool pricing basis is subject to previously established conditions for net pool pricing with Canadian guest sites.

23. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to:

1. Autotote Enterprises, Inc. (with twenty six [26] satellite sites), Connecticut
2. Scioto Downs Inc., Ohio
3. Suffolk Downs (with three [3] satellite sites), Massachusetts.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Finger Lakes Racing Association, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
 - c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Finger Lakes Racing Association, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request the guest and all secondary sites 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 Finger Lakes Racing Association Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
24. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to:
1. Day at The Track, California
 2. Freehold Raceway (with one [1] satellite site), New Jersey
 3. Las Vegas Dissemination Company (with five [5] satellite sites), Nevada
 4. River Downs Jockey Club, Ohio.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and are conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Finger Lakes Racing Association, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Finger Lakes Racing Association, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request the guest and all secondary sites 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 Finger Lakes Racing Association Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manuel Merge" is prohibited without the express approval of the Board.
- g. Reassignment of agreements is prohibited without the prior written approval of the Board.

25. For entry into the minutes, on April 5, 2007, 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 during 2007 and 2008 to New York City Off-Track Betting Corporation, New York through December 31, 2008.

Approval is limited to the guest specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Finger Lakes Racing Association, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc.'s races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - c. "Manuel Merge" is prohibited without express approval of the Board.
 - d. Video streaming or other distribution of the simulcast signal via the Internet is prohibited without prior written approval of the Board.
26. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to:

1. Batavia Downs, New York
2. Tioga Downs, New York
3. Vernon Downs, New York.

Approval is limited to the guest sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Finger Lakes Racing Association, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc.'s races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - c. Guests (and secondary sites) must maintain books and records relative to wagers on Finger Lakes Racing Association, Inc.'s simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request.
27. For entry into the minutes, on April 12, 2007 the New York State Racing and Wagering Board approved the Finger Lakes Racing Association, Inc. request to simulcast its thoroughbred racing programs for wagering purposes to:
1. Marquis Downs (with six [6] satellite sites), Saskatchewan, Canada
 2. NJSEA (Monmouth/Meadowlands), New Jersey
 3. Racing & Gaming Services (RGS), St. Kitts
 4. Rideau Carleton Raceway Inc., Ontario, Canada.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Finger Lakes Racing Association, Inc. simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Finger Lakes Racing Association, Inc. simulcasts for a period of two years from the date of each simulcast. The guest and all secondary sites 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 Finger Lakes Racing Association Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Finger Lakes Racing Association, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manual Merge" is prohibited without the express approval of the Board unless specifically required by the guest jurisdiction's law and then only to the extent required.
- g. Simulcasts to Canadian guest sites are subject to previously established conditions for net pool pricing to Canadian guest sites.

28. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on March 9, 2007, 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:

1. Georgian Downs Limited, through December 31, 2007.
2. Harrington Raceway, Delaware through December 31, 2007.
3. Scarborough Downs, Maine through December 31, 2007.
4. River Downs, Ohio through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Monticello Raceway Mgmt., Inc.'s simulcast license.

Simulcasts to Georgian Downs Ltd. are subject to the previously established conditions for net pool pricing with Canadian guest sites. Further, Monticello Raceway Mgmt., Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Mgmt., Inc. may or will provide rebates on wagers for races at that site.

29. For entry into the minutes, on March 20, 2007, the New York 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:
 1. Downs Racing, L.P. d/b/a Mohegan Sun at Pocono Downs, Pennsylvania through November 17, 2007.
 2. Plainridge Racecourse, Massachusetts through November 29, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Monticello Raceway Mgmt., Inc.'s simulcast license. Further, Monticello Raceway Mgmt., Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Mgmt., Inc. may or will provide rebates on wagers for races at that site.

30. For entry into the minutes, on March 22, 2007, 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 Keeneland Association Inc., Kentucky through May 1, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Monticello Raceway Mgmt, Inc. simulcast license. Further, Monticello Raceway Mgmt, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Mgmt, Inc. may or will provide rebates on wagers for races at that site.

31. For entry into the minutes, on March 28, 2007, 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 Woodbine Entertainment Group, (Woodbine and Mohawk) Ontario, Canada, through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Monticello Raceway Mgmt, Inc. simulcast license. Further, Monticello Raceway Mgmt, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Mgmt, Inc. may or will provide rebates on wagers for races at that site.

32. For entry into the minutes, on April 5, 2007, 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 Delaware Racing Association, Delaware through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Monticello Raceway Mgmt, Inc. simulcast license. Further, Monticello Raceway Mgmt, Inc. is prohibited from rebating as a

guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Mgmt, Inc. may or will provide rebates on wagers for races at that site.

33. For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Management, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races from Nordic Gaming Corporation, Ontario, Canada from May 5, 2007 through October 30, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Monticello Raceway Management, Inc. simulcast license. Further, Monticello Raceway Management, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Management, Inc. may or will provide rebates on wagers for races at that site.

34. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway Mgmt, Inc. simulcast plan of operation authorizing participation in the Premier Pick Four on April 14, 2007 and the simulcast of the related races from Oakland Park and Keeneland on that date.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Monticello Raceway Mgmt, Inc. simulcast license. Further, Monticello Raceway Mgmt, Inc. is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Monticello Raceway Mgmt, Inc. may or will provide rebates on wagers for races at that site.

The relevant rules for the Premier Pick Four must be prominently posted and made known to patrons.

35. MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway request to simulcast its signal to five (5) casinos in Atlantic City as set forth in the November 30, 2006 Agreement with the Atlantic City Casino simulcast committee. Each casino receiving site is a signatory to the Agreement.

Approval is limited to the simulcast of Monticello Raceway's races during 2007 and 2008 to the five guest sites specified within the Agreement conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
 - c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites. Records must be maintained for at least two (2) years following the date of simulcasts. The guest and all secondary sites 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 Monticello Raceway's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. No receiving or secondary sites may rebate on Monticello Raceway's races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
36. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast

its standardbred racing programs for wagering purposes during 2007 to Northlands Park, Alberta, Canada (with one [1] secondary site).

Approval is limited to the guest and secondary site specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Monticello Raceway Mgmt, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Monticello Raceway Mgmt, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request. The guest and all secondary sites 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 Monticello Raceway Mgmt, Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Monticello Raceway Mgmt, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manuel Merge" is prohibited without the express approval of the Board.
- g. The commingling of wagers with payouts on a net pool pricing basis is subject to previously established conditions for net pool pricing with Canadian guest sites.

37. For entry into the minutes, on April 12, 2007 the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its standardbred racing programs for wagering purposes during 2007 to Rideau Carlton Raceway, Ontario, Canada.

Approval is limited to the guest site specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Monticello Raceway Mgmt, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Monticello Raceway Mgmt, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request. The guest and all secondary sites 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 Monticello Raceway Mgmt, Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Monticello Raceway Mgmt, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manuel Merge" is prohibited without the express approval of the Board.

- g. This approval is subject to the previously stated conditions applicable to net pool pricing with Canadian guest sites.
38. For entry into the minutes, on April 12, 2007 the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its standardbred racing programs for wagering purposes during 2007 to the following thirty-eight (38) sites through Las Vegas Dissemination Co.:

The Suncoast Hotel and Casino; Sunset Station Hotel & Casino; Tahoe Biltmore; Terrible's Hotel & Casino; Treasure Island at the Mirage; The Venetian Resort, Hotel, Casino; Wynn Las Vegas; Aladdin Resort & Casino; AVI Hotel and Casino; Bally's Las Vegas/Paris Las Vegas; Bellagio; Caesars Palace; Caesars Tahoe Race & Sports Book; Club Cal Neva; Edgewater Hotel & Casino; Excalibur Hotel and Casino; Fiesta Casino Hotel; Gold Coast Hotel and Casino; Hard Rock Hotel and Casino; Harrah's Casino Hotel Las Vegas; Imperial Palace; John Ascuaga's Nugget Race & Sports Book; Mandalay Bay Resort & Casino; The Mirage; Monte Carlo Resort & Casino; New York New York Hotel & Casino; Montego Bay Casino Resort; Palace Station Hotel & Casino; Rainbow Casino; Red Rock Casino Resort Spa; Rio Suite Hotel and Casino; Rivera Hotel & Casino; Sahara Hotel and Casino; Silver Club Hotel Casino; Silverton Hotel Casino; Santa Fe Station Hotel & Casino; Sam's Town Hotel & Gambling Hall and South Point Hotel & Casino.

Approval is limited to the thirty-eight (38) sites only, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Monticello Raceway Mgmt, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.

- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for two years from the date of the simulcast. The guest and all secondary sites 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 Monticello Raceway Mgmt, Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. No receiving or secondary sites may rebate on Monticello Raceway Mgmt, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. "Manual Merge" is permitted only to the extent required pursuant to Nevada law or regulation.
39. For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway Mgmt, Inc. request to simulcast its standardbred racing programs for wagering purposes during 2007 to Premier Turf Club, LLC, North Dakota.

Approval is limited to the guest site specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Monticello Raceway Mgmt, Inc.'s simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.

- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Monticello Raceway Mgmt, Inc. simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request. The guest and all secondary sites 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 Monticello Raceway Mgmt, Inc.'s simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Monticello Raceway Mgmt, Inc. races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manuel Merge" is prohibited without the express approval of the Board.

40. NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS

LOCATIONS IN 2007

For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races during 2007 from:

1. Tioga Downs, New York
2. Vernon Downs, New York
3. Finger Lakes Racing Association, Inc., New York

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the New York City Off-Track Betting

Corporation simulcast license. Further, New York City Off-Track Betting Corporation is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that New York City Off-Track Betting Corporation may or will provide rebates on wagers for races at that site. Video streaming and account wagering via the Internet is prohibited without the prior written approval of the Board.

41. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Indiana Downs, LLC d/b/a Indiana Downs, Indiana through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of New York City Off-Track Betting Corporation simulcast license. Further, New York City Off-Track Betting Corporation is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that New York City Off-Track Betting Corporation may or will provide rebates on wagers for races at that site.

Video streaming and account wagering via the Internet is prohibited without the prior written approval of the Board.

42. For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved an amendment to the simulcast plan of operation of the New York City Off-Track Betting Corporation, and the other five New York State Off-Track Betting Corporations, authorizing the simulcast for wagering purposes of races from Old Evangeline Downs, LC d/b/a Evangeline Downs, Louisiana through September 3, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the simulcast licenses of the guest off-track betting corporations. Further, the guest off-track betting corporations are prohibited

from rebating as a guest on simulcasts unless the host site acknowledges in writing that the guest may or will provide rebates on wagers for races at that site.

Internet account wagering and video streaming are prohibited without the prior written approval of the Board.

43. For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved an amendment to the simulcast plan of operation of the New York City Off-Track Betting Corporation, and the other five New York State Off-Track Betting Corporations, authorizing the simulcast for wagering purposes of races from Yavapai Downs, Arizona through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the simulcast licenses of the guest off-track betting corporations. Further, the guest off-track betting corporations are prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that the guest may or will provide rebates on wagers for races at that site.

Internet account wagering and video streaming are prohibited without the prior written approval of the Board.

44. **NYRA – REQUEST FOR APPROVAL TO CONDUCT CASHCARD**

MYSTERY VOUCHER PROMOTION

For entry into the minutes, on April 5, 2007, the NYS Racing and Wagering Board approved the promotions set forth in the NYRA request dated March 4, 2007 to issue the number of mystery Cash Cards or vouchers in the denominations as submitted and per the agreed NYS Racing and Wagering Board-NYRA guidelines for promotions to be valid on April 7, June 17 and October 20, 2007. These promotions will utilize the United Tote “Cash Cards” or ticket-like vouchers.

These mystery Cash Card Vouchers would be redeemable only on the date as printed on the face of the cash card and only at the then operating tracks. It is understood that a patron with a mystery voucher may be escorted to and from designated windows to redeem that voucher, without paying admission or parking fees.

The terms of this approval require NYRA to analyze the total number of cash cards/vouchers and dollar amount of each denomination cashed, percentage of cash cards/vouchers cashed of each denomination, attendance and handle figures for the day of the promotion. This analysis is to be used by NYRA to determine if there are any unusual patterns in the cashing of the cards/vouchers and to verify that the promotion operated in accordance with the rules. A report listing any and all findings of NYRA's analysis should be submitted to the Board not later than 20 days from the date the promotion was held.

NYRA must notify the Board in writing prior to the June 17th and October 20th promotions as to whether NYRA will use cash cards or traditional vouchers.

The Board reserves the right to audit the conduct of these promotions.

**45. NYRA – APPROVAL OF GUARANTEED WAGERING POOLS FOR
YEAR 2007**

For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved the New York Racing Association's request to have guaranteed wagering pools during 2007 on the following dates for the following pools:

- On April 7th, a \$400,00 Pick 4 wagering pool
- On June 9th, both a \$1 million dollar guaranteed Pick 6 wagering pool and a \$1 million dollar guaranteed Pick 4 wagering pool
- One July 28th, a \$500,000 guaranteed Pick 4 wagering pool and a \$100,000 guaranteed Grand slam wagering pool

- On August 25th, a \$1 million dollar guaranteed Pick 4 wagering pool and a \$100,000 guaranteed Grand Slam wagering pool
- On both September 8th and September 30th, a \$400,000 guaranteed Pick 4 wagering pool.

46. NYRA – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from:

1. Delaware Racing Association, Delaware through December 31, 2007.
2. Indiana Downs, Indiana from April 27 through July 3, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of NYRA's simulcast license. Further, NYRA is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that NYRA may or will provide rebates on wagers for races at that site.

47. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from Keeneland Association Inc., Kentucky from April 6, 2007 through May 1, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of NYRA's simulcast license. Further, NYRA is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that NYRA may or will provide rebates on wagers for races at that site.

48. For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from Old Evangeline Downs LLC, Louisiana through September 3, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of NYRA's simulcast license. Further, NYRA is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that NYRA may or will provide rebates on wagers for races at that site.

Internet account wagering and video streaming are prohibited without the prior written approval of the Board.

49. For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved an amendment to the New York Racing Association (NYRA) simulcast plan of operation authorizing the simulcast for wagering purposes of races from Northwest Racing Associates Limited Partnership (Emerald Downs), Washington through September 30, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of NYRA's simulcast license. Further, NYRA is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that NYRA may or will provide rebates on wagers for races at that site.

Internet account wagering and video streaming are prohibited without the prior written approval of the Board.

50. **SARATOGA GAMING AND RACEWAY – REQUEST TO CHANGE THE**

NUMBER OF PICK THREES OFFERED TO THE PUBLIC

For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway pari-mutuel plan of operation changing the total number of Pick Threes offered per program from eleven (11) to two (2). The initial of the two Pick Threes would be offered on races Three, Four and Five and the final Pick Three of the program would be offered on races six, seven and eight. This approval is effective immediately.

51. SARATOGA GAMING AND RACEWAY – REQUEST TO IMPORT

VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 15, 2007, 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:

1. The 2007 Dubai International Racing Carnival at Nad Al Sheba Racecourse through the auspices of Churchill Downs, Inc.
2. Fairmount Park, Inc., Illinois through September 29, 2007.
3. Indiana Downs, Indiana through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Saratoga Gaming & Raceway's simulcast license. Further, Saratoga Gaming & Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Saratoga Gaming & Raceway may or will provide rebates on wagers for races at that site.

52. For entry into the minutes, on March 28, 2007, 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 during 2007 from:

1. Finger Lakes Racing Association, Inc., New York.
2. Hazel Park Harness Raceway, Michigan.
3. Plainridge Racecourse, Massachusetts.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Saratoga Gaming & Raceway's simulcast license. Further, Saratoga Gaming & Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Saratoga

Gaming & Raceway may or will provide rebates on wagers for races at that site. No video streaming or account wagering is permitted unless and until approved in writing by the Board at a future date.

53. For entry into the minutes, on April 5, 2007, 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:

1. Delaware Racing Association, Delaware
2. Keeneland Association Inc., Kentucky (through May 1, 2007 ONLY).

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Saratoga Gaming & Raceway's simulcast license. Further, Saratoga Gaming & Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Saratoga Gaming & Raceway may or will provide rebates on wagers for races at that site.

54. For entry into the minutes, on April 5, 2007, 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 Downs Racing, L.P. d/b/a Mohegan Sun at Pocono Downs, Pennsylvania through November 17, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Saratoga Gaming & Raceway's simulcast license. Further, Saratoga Gaming & Raceway is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Saratoga Gaming & Raceway may or will provide rebates on wagers for races at that site.

Account wagering and video streaming are prohibited without the prior written approval of the Board.

55. SARATOGA GAMING AND RACEWAY – REQUEST TO EXPORT

VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to simulcast its standardbred racing programs for wagering purposes during 2007 to Indiana Downs (with two [2] satellite sites), Indiana through December 31, 2007.

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Saratoga Gaming & Raceway's simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.

- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Books and records must be maintained for two years from the date of the simulcast. The guest and all secondary sites 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 Saratoga Gaming & Raceway's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. No receiving or secondary sites may rebate on Saratoga Gaming & Raceway races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. "Manual Merge" is prohibited without the express approval of the Board.
56. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Saratoga Gaming & Raceway request to simulcast its standardbred racing programs for wagering purposes during 2007 to Mountainview Thoroughbred Racing Association (with seven [7] satellite sites), Pennsylvania.

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Saratoga Gaming & Raceway's simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.

- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two (2) years from the date of each simulcast. Books and records must be maintained for two years from the date of the simulcast. The guest and all secondary sites 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 Saratoga Gaming & Raceway's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Saratoga Gaming & Raceway races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
- f. "Manual Merge" is prohibited without the express approval of the Board.

57. SUFFOLK REGIONAL OTB – REQUEST TO OFFER 2007 KENTUCKY

DERBY DAY/TWO DOLLAR PROMOTION

For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation's request to conduct a promotion whereby the Suffolk Off-Track Betting Corporation will offer its customers a two dollar wager good for future wagering on the Preakness Stakes when that customer participates in the Suffolk OTB offerings on Kentucky Derby Day on May 5, 2007, and a further two-dollar voucher good for Belmont Stakes Day on June 9, 2007 if the customer participated in wagering on Preakness Day on May 19, 2007.

This approval is conditioned upon compliance with the terms set forth in the application and the filing by Suffolk OTB of the final report as described in the procedures of Suffolk OTB for the audit and control of the promotions.

58. NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO IMPORT

VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 13, 2007, the New York Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Finger Lakes Racing Association, Inc., New York through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Tioga Downs simulcast license. Further, Tioga Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Tioga Downs may or will provide rebates on wagers for races at that site.

59. For entry into the minutes, on March 20, 2007, the New York Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Downs Racing, L.P. d/b/a Mohegan Sun at Pocono Downs, Pennsylvania through November 17, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Tioga Downs simulcast license. Further, Tioga Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Tioga Downs may or will provide rebates on wagers for races at that site.

60. For entry into the minutes, on March 22, 2007, 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 Inc., in particular The Dubai World Cup at Nad Al Sheba Racecourse to be raced on March 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of the Tioga Downs simulcast license. Further, Tioga Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Tioga Downs may or will provide rebates on wagers for races at that site.

**61. NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO EXPORT TO
VARIOUS LOCATIONS IN 2007**

For entry into the minutes, on March 19, 2007, the New York State Racing and Wagering Board approved the Tioga Downs request to simulcast its standardbred racing programs for wagering purposes to:

1. Capital District Regional Off-Track Betting Corporation, New York through December 31, 2007.
2. Western Regional Off-Track Betting Corporation, New York through December 31, 2007.

Approval is limited to the guest sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is further conditioned upon the following (some of which may be set forth in the agreements):

- a. Retransmission of the Tioga Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. No receiving or secondary sites may rebate on the Tioga Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- c. “Manual merge” is prohibited unless specifically authorized in writing by the Board.

**62. VERNON DOWNS, INC – REQUEST TO OFFER MARKETING
PROMOTIONS DURING 2007**

For entry into the minutes, on April 2, 2007, the New York State Racing and Wagering Board approved an amendment to the Nevada gold-Vernon Downs, Inc.

plan of operation for the conduct of the following promotions during the 2007 racing season in accordance with the submitted rules:

- Dud of the Day
- 60 Second Wagering Spree
- Own a Piece of a Pacer
- Exacta Facta
- Handicapping contest
- Lucky 7's
- That's My Driver
- Change Your Luck
- Ticket to Ride
- Word Absurd
- Fanatical Fan Contest
- Lucky Duck
- Lousy T-Shirt Contest
- Artiscap Final & Credit Winner Drawings

The Board reserves the right to audit the conduct of these promotions.

**63. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO CANCEL LIVE
RACING ON FRIDAY, APRIL 6, 2007**

For entry into the minutes, on April 4, 2007, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs plan of operation to cancel the program of racing scheduled for Friday, April 6, 2007. The Board also

approved a “double draw” for Tuesday, April 10 for the cards of Friday, April 13 and Saturday, April 14.

64. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO CANCEL LIVE RACING ON THURSDAY, APRIL 12, 2007

For entry into the minutes, on April 11, 2007, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs plan of operation to cancel the program of racing scheduled for Thursday, April 12, 2007.

65. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 13, 2007, the New York Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Finger Lakes Racing Association, Inc., New York through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

66. For entry into the minutes, on March 20, 2007, the New York Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Downs Racing, L.P. d/b/a Mohegan Sun at Pocono Downs, Pennsylvania through November 17, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcasts unless the host

site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

67. For entry into the minutes, on March 22, 2007, 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 Inc., in particular The Dubai World Cup at Nad Al Sheba Racecourse to be raced on March 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

68. For entry into the minutes, on April 5, 2007, 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:

1. Keeneland Association Inc., Kentucky through May 1, 2007.
2. Northlands Park, Alberta, Canada.

Approval is conditioned upon compliance with the terms of the agreements, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

69. For entry into the minutes, on April 5, 2007, 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 Delaware Racing Association, Delaware through December 31, 2007.

Approval is conditioned upon compliance with the terms of the agreement, and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

70. For entry into the minutes, on April 12, 2007, 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 Raceway Park, Ohio during 2007.

Approval is conditioned upon compliance with the terms of the agreement and relevant statutes and rules of the host and guest jurisdictions, including but not limited to the terms and conditions of approval of Vernon Downs simulcast license. Further, Vernon Downs is prohibited from rebating as a guest on simulcasts unless the host site acknowledges in writing that Vernon Downs may or will provide rebates on wagers for races at that site.

71. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2007

For entry into the minutes, on March 19, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes to:

1. Capital District Regional Off-Track Betting Corporation, New York through December 31, 2007.
2. Western Regional Off-Track Betting Corporation, New York through December 31, 2007.

Approval is limited to the guest sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is further conditioned upon the following (some of which may be set forth in the agreements):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. No receiving or secondary sites may rebate on the Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - c. "Manual merge" is prohibited unless specifically authorized in writing by the Board.
72. For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Rosecroft Raceway, Maryland and Saratoga Gaming & Raceway, New York.

Approval is limited to the guest sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.

- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. The guest and all

secondary sites 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 Vernon Downs simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request.
 - g. "Manual Merge" is prohibited without express approval of the Board.
73. For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to The Downs at Albuquerque, New Mexico through December 31, 2007.

Approval is limited to the guest specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.

- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two years from the date of each simulcast. The guest and all secondary sites 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 Vernon Downs's simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.

- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. "Manual Merge" is prohibited without the express approval of the Board.
74. For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Suffolk Downs (with five [5] satellite sites), Massachusetts through December 31, 2007.

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two years from the date of each simulcast. The guest and all secondary sites 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 Vernon Downs's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.

- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. “Manual Merge” is prohibited without the express approval of the Board.
75. For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes through 2007 to:
- 1. Plainridge Racecourse, Massachusetts
 - 2. Scioto Downs Inc., Ohio
 - 3. Will Rogers Downs LLC, Oklahoma.

Approval is limited to the guest sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
 - c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two years from the date of each simulcast. The guest and all secondary sites 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 Vernon Downs simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. "Manuel Merge" is prohibited without the express approval of the Board.
76. For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Nassau Regional Off-Track Betting Corporation, New York and Suffolk Regional Off-Track Betting Corporation, New York through December 31, 2007.

Approval is limited to the entities specified and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following:

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- c. “Manual Merge” is prohibited without the express approval of the Board.

77. For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes to:

1. Harrah's Chester Casino & Racetrack, Pennsylvania
2. Downs Racing L.P. d/b/a Mohegan Sun at Pocono Downs, Pennsylvania
3. Raceway Park, Ohio
4. Stevenson & Associates, Inc. (with one [1] site only, namely, Racing & Gaming Services, St. Kitts).

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two years from the date of each simulcast. The guest and all secondary sites 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 Vernon Downs simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. “Manual Merge” is prohibited without express approval of the Board.
78. For entry into the minutes, on March 28, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Lebanon Raceway, Ohio.

Approval is limited to the guest site specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
 - c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. The guest and all secondary sites 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 Vernon Downs simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request.
 - g. "Manual Merge" is prohibited without the express approval of the Board.
79. For entry into the minutes, on April 2, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes to:
1. Americatab, Oregon
 2. Day at The Track, Idaho
 3. Ocean Downs LLC, Maryland (with one [1] secondary site).

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.

- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two years from the date of each simulcast. The guest and all secondary sites 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 Vernon Downs's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. "Manual Merge" is prohibited without the express approval of the Board.
80. For entry into the minutes, on April 2, 2007, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the requested system of net pool pricing with Canadian guest sites during 2007. All wagering is to be converted to United States dollars at the exchange rate in effect at the daily noon rate from the Bank of Canada for the day immediately preceding the day on which the post-time of the first race of the racing program is scheduled pursuant to the applicable CPMA regulations. Vernon Downs must clearly inform the wagering public that net pool pricing is in effect for the calculation of pari-mutuel payouts based upon the receipt of wagering monies from foreign entities.

Specific Board approval is required for any additional simulcast sites that implement or utilize net pool pricing with takeout rates differing from those in effect at Vernon Downs.

The Board approved the Vernon Downs request to simulcast the standardbred racing programs from Vernon Downs for wagering purposes during 2007 to:

1. The four (4) Attraction Hip piques sites in Canada (Montreal, Alymer, Quebec, and Trois Rivieres) with seventeen (17) secondary sites; and
2. Assinoboia Downs with eight (8) secondary sites.
3. Fort Erie Race Track, Ontario, Canada with four (4) secondary sites.

Approval is limited to the simulcast of the Vernon Downs races during 2007 to the guest sites and secondary sites specified within the simulcast agreements and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
 - c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites. Books and records must be maintained for two (2) years from the date of the simulcast. The guest and all secondary sites 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 Vernon Downs simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. "Manual merge" is prohibited unless specifically required pursuant to Canadian law or regulation, and only to the extent so authorized.
 - e. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - f. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
81. For entry into the minutes, on April 2, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes to:
- 1. Northville Downs, Michigan
 - 2. The Red Mile, Kentucky.

Approval is limited to the guest sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set

forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Vernon Downs' simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two years from the date of each simulcast. The guest

and all secondary sites 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 Vernon Downs's simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. "Manual Merge" is prohibited without the express approval of the Board.
82. For entry into the minutes, on April 2, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes to:
1. Harrington Raceway, Delaware
 2. Hazel Park, Michigan
 3. Indiana Downs, Indiana (with two [2] secondary sites)
 4. Lewiston Raceways, Inc., Maine (with five [5] secondary sites)
 5. The Meadows, Pennsylvania (with five [5] secondary sites).

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and are conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Vernon Downs' simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional

secondary sites are prohibited without further application and approval by the Board.

- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two years from the date of each simulcast. The guest and all secondary sites 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 Vernon Downs's simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.

- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. "Manual Merge" is prohibited without the express approval of the Board.
83. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes to:
- 1. Delaware Racing Association, Delaware.
 - 2. Colonial Downs L.P. (with ten [10] satellite sites), Virginia.
 - 3. Freehold Raceway, New Jersey (with one [1] secondary site).

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two years from the date of each simulcast. The guest and all secondary sites 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 Vernon Downs simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. “Manual Merge” is prohibited without the express approval of the Board.
84. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes to:

1. Blue Ribbon Downs (with one [1] satellite site), Oklahoma
2. Canterbury Park, Minnesota
3. Choctaw Racing Services (with twelve [12] satellite sites), Oklahoma
4. Mountainview Thoroughbred Racing Association Inc. (with six [6] satellite sites), Pennsylvania.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Vernon Downs' simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs' simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request. The guest and all secondary sites 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 Vernon Downs' simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- d. No receiving or secondary sites may rebate on Vernon Downs' races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.

f. “Manuel Merge” is prohibited without the express approval of the Board.

The commingling of wagers with payouts on a net pool pricing basis is subject to previously established conditions for net pool pricing with Canadian guest sites.

85. For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Sam Houston Race Park (with two [2] satellite sites), Texas.

Approval is limited to the guest and secondary sites specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of Vernon Downs' simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
 - b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
 - c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request. The guest and all secondary sites 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 Vernon Downs' simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. No receiving or secondary sites may rebate on Vernon Downs races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. "Manuel Merge is prohibited without the express approval of the Board.
86. For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Monticello Raceway Mgmt., Inc.

Approval is limited to the guest site specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the Vernon Downs' simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. No receiving or secondary sites may rebate on Vernon Downs' races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- c. "Manuel Merge" is prohibited without express approval of the Board.
- d. Video streaming or other distribution of the simulcast signal via the Internet is prohibited without prior written approval of the Board.

87. For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes to:

1. NJSEA(Meadowlands/Monmouth), (with two [2] secondary sites)
2. Northfield Park, Ohio
3. PPI, Inc. d/b/a Pompano Park Racing, Florida (with twenty [20] secondary sites).
4. Premier Turf Club, LLC, North Dakota.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Vernon Downs' simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites for a period of two years. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs' simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request. The guest and all secondary sites 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 Vernon Downs' simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. No receiving or secondary sites may rebate on Vernon Downs' races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. "Manuel Merge" is prohibited without the express approval of the Board.
88. For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes to:
- 1. Scarborough Downs, Maine
 - 2. Wyoming OTB (with four [4] secondary sites), Wyoming.

Approval is limited to the guest and secondary sites specified within the simulcast agreements, and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of Vernon Downs' simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites. Guests (and secondary sites) must maintain books and records relative to wagers on Vernon Downs' simulcasts for a period of two years from the date of each simulcast. The books and records must be made available to the Board on request. The guest and all secondary sites 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 Vernon Downs's simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. No receiving or secondary sites may rebate on Vernon Downs' races unless disclosed within the terms of the agreement as submitted to the Board for approval.
 - e. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.
 - f. "Manual Merge" is prohibited without the express approval of the Board.
89. For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved the Vernon Downs request to simulcast its standardbred racing programs for wagering purposes during 2007 to Buffalo Trotting Association.

Approval is limited to the guest site specified within the simulcast agreement, and is conditioned upon the terms of the simulcast agreement, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreement):

- a. Retransmission of the Vernon Downs simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. No receiving or secondary sites may rebate on Vernon Downs' races unless disclosed within the terms of the agreement as submitted to the Board for approval.

- c. “Manuel Merge” is prohibited without express approval of the Board.
- d. Video streaming or other distribution of the simulcast signal via the Internet is prohibited without prior written approval of the Board.

**90. WESTERN REGIONAL OTB – REQUEST FOR OTB TRIPLE CROWN
PUNCH CARD PROMOTION**

For entry into the minutes, on April 5, 2007, the New York State Racing and Wagering Board approved the Western Regional OTB request to offer an expense paid weekend at Saratoga Race Course during the 2007 meet to the customer who picks up an OTB Triple Crown Punch Card, has it punched correctly for all three Triple Crown Races (on the day of the races), and wins a random drawing. This promotion must be conducted pursuant to the application submitted.

**91. YONKERS RACEWAY – REQUEST TO CONTINUE 4 PM DRAW TIME
THROUGH DECEMBER 31, 2007**

For entry into the minutes, pursuant to Board Rule 4111.5, on March 19, 2007, the New York State Racing and Wagering Board approved the Yonkers Raceway request amending its “draw time” to 4:00 p.m. The closing time for scratches and driver changes for a given future program will be 10:00 p.m. everyday.

This approval is granted indefinitely pending any further action of the Board.

**92. YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS
LOCATIONS IN 2007**

For entry into the minutes, on March 30, 2007, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the requested system of net pool pricing with Canadian guest sites during 2007. All wagering is to be converted to United States dollars at the exchange rate in effect at the daily noon rate from the Bank of Canada for the day immediately preceding the day on which the post-time of the first race of the racing program is scheduled pursuant to the applicable CPMA regulations. Yonkers

Raceway must clearly inform the wagering public that net pool pricing is in effect for the calculation of pari-mutuel payouts based upon the receipt of wagering monies from foreign entities.

Specific Board approval is required for any additional simulcast sites that implement or utilize net pool pricing with takeout rates differing from those in effect at Yonkers Raceway.

The Board approved the Yonkers Raceway request to simulcast its Standardbred racing programs during 2007 to:

1. The four (4) Attraction Hip piques sites in Canada (Montreal, Alymer, Quebec, and Trois Rivieres) with seventeen (17) secondary sites; and
2. Windsor Raceway (Canada).

Approval is limited to the simulcast of the Yonkers Raceway races during 2007 to the guest sites and secondary sites specified within the simulcast agreements and is conditioned upon the terms of the simulcast agreements, except as otherwise set forth below. Approval is conditioned further on the following (some of which may be set forth in the agreements):

- a. Retransmission of the simulcast signal by authorized recipients to secondary recipients is not allowable unless these secondary sites are listed in the agreement as submitted to the Board for approval. Simulcasts to additional secondary sites are prohibited without further application and approval by the Board.
- b. The simulcast receiving sites and any secondary sites are prohibited from accepting account or Internet wagers from New York residents.
- c. The Board has the authority to audit the books and records of all out-of-state receiving and secondary sites. Books and records must be maintained for two (2) years from the date of the simulcast. The guest and all secondary sites 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 NYRA's simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. "Manual merge" is prohibited unless specifically required pursuant to Canadian law or regulation, and only to the extent so authorized.
- e. No receiving or secondary sites may rebate on Yonkers Raceway races unless disclosed within the terms of the agreement as submitted to the Board for approval.
- f. The completion and filing with the Board on a timely basis of a simulcast questionnaire by all out-of-state guest and secondary sites.

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

1. IN THE MATTER OF JOHN LEGGIO

For entry into the minutes, on March 15, 2007, the occupational license of John Leggio to participate in pari-mutuel harness racing as an owner/trainer and otherwise was suspended and Mr. Leggio was excluded from all NYS racetracks pending further summary of disposition by the Board.

This action was taken based upon a finding that serious equine drug violations required this emergency action and that Mr. Leggio's continued participation in pari-mutuel racing would be inconsistent with the public interest, convenience and necessity and with the best interests of racing generally.

2. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR EXTENSION OF PLAYER REWARDS PROGRAM

For entry into the minutes, on March 30, 2007, the Board approved the Capital District Regional Off-Track Betting Corporation request to extend the operation of the Player Rewards Program through April 30, 2007 only. The extension was conditioned upon compliance with the previously established conditions for operation

and upon the full and prompt cooperation of CDROTB with any requests for information by or on behalf of the Board.

3. **NEW YORK CITY OTB – REQUEST FOR AUTHORIZATION TO RELOCATE TOTALIZATOR HUB**

For entry into the minutes, on March 30, 2007, the New York State Racing and Wagering Board approved the New York City Off-Track Betting Corporation request to amend its plan of operation to reflect the extension of its totalizator system contract with AmTote International through December 31, 2007, including provisions for upgrade of the Instant Voice Recognition system and relocation of the central processing function from New York City to AmTote's central facility in Hunt Valley, Maryland.

NYCOTB is to provide written notification of the effective date of the relocation.

4. **IN THE MATTER OF WILLIAM J. BARRACK, MARC G. MOSHER, KEITH J. BARRACK & ROBERT R. MOSCONE**

For entry into the minutes, on March 30, 2007, the New York State Racing and Wagering Board summarily suspended the licenses of William J. Barrack, Marc G. Mosher, Keith J. Barrack and Robert R. Moscone upon a finding that the public safety and welfare imperatively require this emergency action based upon matters relating to racing – related criminal charges. Their suspensions will remain in effect pending further disposition by the Board.

5. **FINGER LAKES RACETRACK – REQUEST FOR APPROVAL OF RACING OFFICIALS FOR 2007**

For entry into the minutes, on April 12, 2007, the New York State Racing and Wagering Board approved the appointment of the seventeen (17) individuals set forth in the Finger Lakes revised letter dated March 28, 2007 to serve as racing officials for the 2007 season at Finger Lakes Gaming and Racetrack.

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

1. CAPITAL DISTRICT REGIONAL OTB – SIMULCAST LICENSE

APPLICATION FOR 2007

On April 26, 2007, the New York State Racing and Wagering Board deferred action on the Capital District Regional Off-Track Betting Corporation's simulcast license application for 2007 pending the outcome of an ongoing investigation.

The Board will consider further action at a future Board meeting.

Capital OTB will remain operational on the continuing rights of the 2006 simulcast license. Such rights are conditioned upon 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:

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, 2007.

2. NEW YORK CITY OTB – SIMULCAST LICENSE APPLICATION FOR 2007

On April 26, 2007, the New York State Racing and Wagering Board deferred action on New York City Off-Track Betting Corporation's 2007 simulcast license application pending [further review](#) of matters concerning NYC OTB's financial position.

NYC OTB will remain operational on the continuing rights of the 2005 simulcast license. Such rights are conditioned upon 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. Submission to the Board of fire inspection reports on an ongoing basis.
- b. 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, 2007.
- c. New York City Off-Track Betting Corporation shall not rebate on wagers placed without the written consent of the host site.

3. NEVADA GOLD-VERNON DOWNS, INC. – TRACK & SIMULCAST

LICENSE APPLICATIONS FOR 2007

On April 26, 2007, the New York State Racing and Wagering Board granted temporary track and simulcast licenses for 2007 to Nevada Gold – Vernon Downs, Inc. and assigned the race dates requested for May 2007 only conditioned upon the following:

1. The following individuals must submit the required outstanding disclosures no later than April 30, 2007.
 - i. Paul Marsiglio (Track Power)
 - ii. Dana Gilman (Track Power).
2. There shall be no material (1% or more) change to management or any beneficial interest, direct or indirect, in debt or equity related to the ownership, debt, or operation of the track, nor to the persons who are officers or directors of the applicant including affiliates, lenders and owner unless and until Board staff has made a preliminary finding of suitability.
3. Copies of all documents relating to the announced sale of Nevada Gold and Casino Inc.'s interest in the track must be submitted and all information regarding this transaction must be disclosed to the Board.
4. An SAS 70 Type II audit of the track's tote system covering activity of the current year must be submitted to the Board no later than October 31, 2007.

If circumstances change any time subsequent to this approval, and the application no longer presents the correct facts, the applicant must submit to the Board an amended answer to the question affected. When doing so, the applicant is to mark the submission as "Amendment to License Application" - question number – and submit the change in detail, properly attested.

4. NEVADA GOLD-TIOGA DOWNS, INC. – TRACK & SIMULCAST

LICENSE APPLICATIONS FOR 2007

On April 26, 2007, the New York State Racing and Wagering Board granted temporary track and simulcast licenses for 2007 to Nevada Gold-Tioga Downs, Inc. and assigned the race dates requested for 2007 conditioned upon the following:

1. The following individuals must submit the required outstanding disclosures no later than April 30, 2007.
 - i. Paul Marsiglio (Track Power)
 - ii. Dana Gilman (Track Power).
2. There shall be no material (1% or more) change to management or any beneficial interest, direct or indirect, in debt or equity related to the ownership, debt, or operation of the track, nor to the persons who are officers or directors of the applicant including affiliates, lenders and owner unless and until Board staff has made a preliminary finding of suitability.
3. Copies of all documents relating to the announced sale of Nevada Gold and Casino Inc.'s interest in the track must be submitted and all information regarding this transaction must be disclosed to the Board.
4. An SAS 70 Type II audit of the track's tote system covering activity of the current year must be submitted to the Board no later than October 31, 2007.

If circumstances change any time subsequent to this approval, and the application no longer presents the correct facts, the applicant must submit to the Board an amended answer to the question affected. When doing so, the applicant is to mark the submission as "Amendment to License Application" - question number - and submit the change in detail, properly attested.

5. BATAVIA DOWNS - TRACK & SIMULCAST LICENSE APPLICATIONS

FOR 2007 and WESTERN REGIONAL OTB - SIMULCAST LICENSE APPLICATION FOR 2007

On April 26, 2007, the New York State Racing and Wagering Board granted the Batavia Downs track and simulcast licenses for 2007 and the Western Regional OTB simulcast license for 2007.

The 2007 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 sites' books and records (including all secondary sites that receive your simulcast), which should be noted in any simulcast agreement entered into for your simulcast signal. Books and records must be maintained for two years from the date of the simulcast. Included within the agreement should 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 to which you are party to is subject to the requirements of the host and guest jurisdictions 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, 2007.
- e. No receiving sites may rebate on host track races unless disclosed within the terms of the agreement as submitted to the Board for approval.

The Board assigned the 59 racing programs requested on the dates specified and at the post times requested.

The Board granted the 2007 Batavia Downs license upon application for the conduct of fewer programs than otherwise required pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 307(5-a) based upon good cause shown due to factors beyond the control of the racing corporation.

The Board further found for purposes of Racing, Pari-Mutuel Wagering and Breeding Law Section 318(5) that although Batavia Downs was assigned for 2007 fewer than the minimum number of programs and races prescribed in Section 318(5)(a), the assignment of such lesser number was based on a finding that it would be uneconomical or impractical for Batavia Downs to be assigned the prescribed number.

6. BATAVIA DOWNS – REQUEST TO WITHDRAW \$20,658.04 FROM CIF

On April 26, 2007, the New York State Racing and Wagering Board deferred the Batavia Downs request to withdraw \$20,658.04 from its Capital Improvement Fund for reimbursement of Capital Improvement Expenditures.

The Board will consider further action at the May 2007 Board meeting.

**7. SARATOGA GAMING & RACEWAY – REQUEST TO WITHDRAW
\$92,599.09 FROM CIF**

On April 26, 2007, the New York State Racing and Wagering Board approved the Saratoga Harness Racing, Inc. request to withdraw a total of \$92,559.07 from its Capital Improvement Fund consisting of \$28,729.67 in 2006 advertising and promotion expenditures and \$63,829.40 for budgeted capital improvement expenditures. Approval was granted in relation to the following items:

Other (14%)

Video System upgrade	\$ 12,880.39
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Backstretch (55%)

CAFO Manure Bins	<u>\$ 50,949.01</u>
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Total Other Approved	\$ 63,829.40
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Advertising (31%)

Total Regular and Multiple Handle (2006)	\$ 5,745,933
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½ of 1%	<u> x .005</u>
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2006 Maximum Advertising & Promotional Reimbursement	\$ 28,729.67
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Less: Prior Advertising Approvals for 2006	<u> 0</u>
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Balance Available	<u>\$ 28,729.67</u>
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Clear Channel – Radio Advertising	\$ 14,974.87
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Albany Broadcasting – Radio Advertising	<u>15,405.40</u>
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Total documented expenditures	<u>\$ 30,380.27</u>
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Total Advertising Approved	\$ 28,729.67
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Total Approved	<u>\$ 92,559.07</u>
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8. MONTICELLO RACEWAY – REQUEST TO ADD TWO SUNDAY RACE

DATES IN JULY 2007

On April 26, 2007, the New York State Racing and Wagering Board approved the Monticello Raceway request to add the two Sunday racing dates of July 8 and 15, 2007.

9. NYRA – REQUEST FOR APPROVAL OF INTERNET & ACCOUNT

WAGERING SYSTEM/NYRA REWARDS PROGRAM

On April 26, 2007, the New York State Racing and Wagering Board approved The New York Racing Association Inc.'s Internet and Account Wagering Plan of Operation as presented and modified by staff conditioned upon the following:

- That there be no cancellations of wagers placed through the Internet after the wager has been confirmed and accepted.
- That the video streaming of live races is not authorized by approval of this plan of operation.

Such activity is prohibited except in accordance with applicable statutes and rules after specific approval by the Board of an amendment to the plan of operation.

A complete copy of the approved plan of operation, with all attachments, was sent to NYRA. The plan of operation is deemed to be an amendment to the relevant provisions of NYRA's accounting and internal controls on file with the Board pursuant to Section 231-a (2)(b) of the Racing, Pari-Mutuel Wagering and Breeding Law.

The Board also approved the indefinite continued operation of the NYRA Rewards Program, as approved by the Board on March 28, 2006, and deferred the request to modify the program to allow for the rollover of awards points, pending further staff review.

NYRA must inform the Board in writing of the date on which NYRA implements Internet wagering in accordance with the approved plan of operation.

10. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR PERMANENT APPROVAL OF PLAYER REWARDS PROGRAM

On April 26, 2007, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation's request to continue a promotional players awards program known as the "Capital OTB Player Rewards" through May 31, 2007 only.

This approval is conditioned upon:

- The conduct of the program in the manner requested by and outlined in correspondence of Robert G. Hemsworth dated March 14, 2006.
- The submission by Capital OTB of written reports to the Board concerning the Player Rewards program. These reports shall include, but need not be limited to, the number of participants in the program, [details of the rewards by category level](#) and participation, the cumulative rewards earned, the amount of rewards "rewagered" and cumulatively for program participants, the amounts wagered by bet type by in-state races and out-of state races. Each report shall also contain analysis regarding the effect of the program on handle of Capital OTB, net effect on income from wagering and the costs incurred as a result of program operation. These reports must be filed within two weeks of the end of the first calendar quarter following implementation and on an identical schedule for two quarters thereafter. A final report covering the first eleven months following implementation should be filed two weeks prior to the sunset of Board approval. Each filed report shall include past quarter and cumulative information. Board access to Capital OTB Player Rewards program information, including the names of program participants, and the right to audit.

The Board will consider further action at its May 2007 Board meeting.

11. CAPITAL DISTRICT REGIONAL OTB – REQUEST TO ADD NEW E-Z BET -

GUILDERLAND

On April 26, 2007, the NYS Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting plan of operation to authorize operation of the Town N Country Lanes in Guilderland, New York as an off-track betting E-Z Bet simulcast facility. This approval is effective immediately.

It is a condition of this approval that this facility be operated in accordance with the terms of the E-Z Bet Agreement presented to the Board with the conduct of all wagering to be conducted through self-service terminals only.

The Board's approval to operate an E-Z Bet facility at this location shall expire and be of no force and effect in the event of any change in ownership or operation without the prior written approval of the Board.

It is expected that Capital OTB will arrange for the occasional inspection of this facility to assure compliance with the plan of operation and relevant laws and Board rules, and certify to the Board that the conduct of wagering at this facility is in compliance with the foregoing.

12. BUFFALO RACEWAY – REQUEST TO WITHDRAW \$12,500.00 FROM CIF

On April 26, 2007, the New York State Racing and Wagering Board approved Buffalo Raceway's request to withdraw \$12,500.00 from its Capital Improvement Fund for reimbursement of Capital Improvement Expenditures. Approval was granted in relation to the following budgeted item:

Backstretch (100%)

Paving South Side of Barns	<u>\$ 12,500.00</u>
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Total Approved	\$ 12,500.00
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13. CAPITAL DISTRICT REGIONAL OTB – REQUEST FOR APPROVAL OF

NEW CONCESSIONAIRE AT PLATTSBURG OTB BRANCH

On April 26, 2007, the NYS Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation's plan of operation to reflect the approval of Mr. Raymond Beebe to become the new concessionaire at the Plattsburg, New York branch location in the Skyway Plaza. This approval is effective immediately.

The Board's approval to operate a branch facility at this location shall expire and be of no force and effect in the event of any change in ownership or operation without the prior written approval of the Board.

14. NASSAU DOWNS REGIONAL OTB – REQUEST TO ADD NEW FAST TRACK FACILITY – NASSAU COUNTY

On April 26, 2007, the NYS Racing and Wagering Board approved an amendment to the Nassau Regional Off-Track Betting plan of operation to authorize the opening for operation of a “fast track” off-track betting simulcast facility at BK Sweeney’s Parkside Tavern in Bethpage, New York. This approval is effective immediately.

It is a condition of this approval that this facility be operated in accordance with the terms of the application presented to the Board with the conduct of all wagering to be conducted through self-service terminals only.

The Board's approval to operate a fast track facility at this location shall expire and be of no force and effect in the event of any change in ownership or operation without the prior written approval of the Board.

It is expected that Nassau OTB will arrange for the occasional inspection of this facility to assure compliance with the plan of operation and relevant laws and Board rules, and certify to the Board that the conduct of wagering at this facility is in compliance with the foregoing.

15. IN THE MATTER OF MARLENE BRODY (PLACEMENT OF “RAHY’S APPEAL”)

The New York State Racing and Wagering Board rejected the recommendation of Hearing Officer Russell H. Baller, Jr. recommendation to dismiss the appeal on the basis that this was a non-reviewable placement decision, and ordered that the finding of the Stewards that the jockey of the horse “Rahy’s Appeal” unintentionally struck the horse “Malibu Mint” in the face with his whip as the horses raced beside each other down the stretch during the 8th race at Aqueduct Racetrack on November 24, 2006, is not subject to appeal and is, therefore, affirmed, except that the Board clarifies that this action only possibly affected the outcome of the race, which is sufficient if a foul has occurred to warrant disqualification and placement of the offending horse; and that there is no Board rule, including 9NYCRR §§ 4022.11, 4022.16, 4022.21, 4025.5, 4035.2, 4039.10, and/or 4039.20, that makes it improper for a jockey unintentionally to strike another horse with his whip and, as a result, the stewards had no authority to disqualify or place “Rahy’s Appeal” on the facts herein; and that the decision of the Stewards at Aqueduct Racetrack to disqualify the horse “Rahy’s Appeal” from first and place it second, based on its jockey unintentionally striking the horse “Malibu Mint” in the face with his whip in the 8th race at Aqueduct Racetrack on November 24, 2006, be reversed.

16. IN THE MATTER OF PAUL S. NOWER (REFORMATION)

The New York State Racing and Wagering Board upheld Hearing Officer Russell H. Baller, Jr.’s recommendation that a summary judgment motion to dismiss the appeal be granted on the ground that this is a non-reviewable starter decision.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. 2007 ANNUAL WALKTHROUGH OF SARATOGA RACEWAY

Report of 2007 Annual Walkthrough conducted on March 7, 2007 of Saratoga Raceway.

2. YONKERS RACEWAY – INFORMATION RELATIVE TO PEACE OFFICERS
Federal fingerprint history reports had been received for 7 individuals and no derogatory information was revealed.

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

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between March 7, 2007 – April 11, 2007.

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

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between March 1, 2007 – March 31, 2007.

5. **LICENSING/CURRENT LICENSE COUNT**

The current racing licensing counts as of March 31, 2007 since January 1, 2007 were as follows: total receipts 3,529 and total licenses 1,347.

6. **2007 LICENSED SUPPLIERS**

List of licensed suppliers and manufacturers for the time period of February 27, 2007 through March 31, 2007.

7. **INDIAN GAMING/LICENSING STATISTICS**

Licensing statistics for March 1, 2007 through March 31, 2007. Also included were the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

None.

