

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF DECEMBER 21, 2006

A meeting of the New York State Racing and Wagering Board was held on Thursday, December 21, 2006 at 10:00 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 10:15 a.m.

In Attendance Were:

Daniel D. Hogan, Chairman

Michael J. Hoblock, Jr., Member

John B. Simoni, Member

John Cansdale, Executive Director

Robert Feuerstein, General Counsel

Joseph Lynch, Director of Racing Operations

Thomas Casaregola, Director of Audits & Investigations

Gail Pronti, Secretary to the Board

Also in Attendance Were:

Daniel Toomey, NYSR&WB

Vivian Davis, NYSR&WB

Kristen Buckley, NYSR&WB

Paul Onyon, Assistant Director of Racing Operations

James Kellogg, Audits and Investigations

Rick Goodell, Assistant Counsel

William Sekellick, Assistant Counsel

John Hardy, NYTHA

Robert Hemsworth, Capital OTB

George Penn, Crane Vacco

Janet Silver, Hinman Straub

OPEN COMMENT PERIOD: Comments began at 10:10 a.m.

Mr. John Hardy read a prepared statement concerning the New York Racing Association and Board Rule 4003.13 (attached) on behalf of the New York Thoroughbred Horsemen's Association.

Comments ended at 10:15 a.m.

A. The Board approved the minutes of the Board meetings held on October 27, 2006 and November 10, 2006.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIR.

1. BUFFALO RACEWAY – REQUEST TO CONDUCT THOROUGHBRED HANDICAPPING CONTEST

For entry into the minutes, on October 16, 2006, the New York State Racing and Wagering Board approved the Buffalo Raceway request to amend its plan of operation by offering a thoroughbred handicapping contest on the Saturdays of October 28, November 11 and November 18, 2006, with the final set to take place on Saturday, December 2, 2006, in accordance with the rules submitted and all entry fees distributed as prizes to the winners. The Board reserved the right to audit the conduct of the contest.

2. BUFFALO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2006

For entry into the minutes, on October 26, 2006, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from the Breeder's Cup World Championship day at Churchill Downs in Kentucky.

3. For entry into the minutes, on October 30, 2006, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Balmoral Racing Club, Inc. and Maywood Park Trotting Association, Inc. in Illinois.

4. For entry into the minutes, on November 15, 2006, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association simulcast

plan of operation authorizing the simulcast for wagering purposes of races from Dover Downs, Inc. in Delaware.

5. For entry into the minutes, on November 15, 2006, the New York State Racing and Wagering Board approved an amendment to the Buffalo Trotting Association simulcast plan of operation authorizing the simulcast for wagering purposes of races from Yonkers Raceway in New York and Turfway Park in Kentucky.

6. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO OFFER PROMOTION & MARKETING**

For entry into the minutes, on October 18, 2006, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to conduct a handicapping contest on Saturday and Sunday, November 18 and 19, 2006, in the Capital Room at the Albany Teletheater in accordance with the application and rules submitted.

The top ten finishers receive prizes and the top two finishers receive a trip to The Orleans in Las Vegas, Nevada including airfare, hotel and entry fee into the associated contest.

7. **CAPITAL DISTRICT REGIONAL OTB - REQUEST TO MODIFY CASH REWARD PROGRAM**

For entry into the minutes, on November 28, 2006, the New York State Racing and Wagering Board approved an application by the Capital District Regional Off-Track Betting Corporation to amend the approved “Capital Cash Rewards Program” to include those who wager at Capital District Regional OTB on any out-of-state Magna-owned Racetrack.

8. **CAPITAL DISTRICT REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS**

For entry into the minutes, on November 21, 2006, the New York State Racing and Wagering Board approved an amendment to the Capital District Regional Off-Track Betting Corporation simulcast plan of operation authorizing the simulcast for wagering purposes of races from Yonkers Raceway.

9. **FINGER LAKES RACETRACK – REQUEST TO CHANGE POST-TIME ON SATURDAY, NOVEMBER 4, 2006**

For entry into the minutes, on October 16, 2006, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to amend its plan of operation by having the live race card of Saturday, November 4, 2006 begin at 11:30 a.m. due to the Breeders Cup race program to be raced later in the day.

10. **FINGER LAKES RACETRACK – REQUEST TO CANCEL THREE AND ADD TWO RACE DATES**

For entry into the minutes, on October 26, 2006, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to amend its plan of operation by having live race cards on the Friday and Saturday of December 1 and 2, 2006. These two days will replace the requested cancelled Thursday cards of November 2, 9 and 16, 2006.

11. **FINGER LAKES RACETRACK – AMENDMENT TO PLAN OF OPERATIONS/ LIVE PROGRAMS – NEW POST-TIME - 12 NOON**

For entry into the minutes, on November 14, 2006, the New York State Racing and Wagering Board approved the Finger Lakes Racetrack request to amend its plan of

operation by having the first post-time of 12:00 p.m. (noon) for the remainder of the live race cards beginning on Friday, November 17, 2006.

12. **FINGER LAKES RACETRACK – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2006**

For entry into the minutes, on October 26, 2006, 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 the Breeder's Cup World Championship day at Churchill Downs in Kentucky.

13. For entry into the minutes, on December 6, 2006, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association request to amend its simulcast plan of operation enabling the import of simulcast signals from Tampa Bay Downs in Florida through May 6, 2007.

14. **FINGER LAKES RACETRACK – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2006**

For entry into the minutes, on October 30, 2006, the New York State Racing and Wagering Board approved the Finger Lakes Racing Association request to amend its simulcast plan of operation enabling the export of simulcast signals to Sudbury Downs in Ontario, Canada.

** See below.

15. For entry into the minutes, on November 1, 2006, the New York State Racing and Wagering Board approved the simulcast of races conducted at Finger Lakes Racetrack to Yonkers Raceway for wagering purposes during 2006.

** See below.

16. **MONTICELLO RACEWAY – REQUEST TO ADD RACE DATES**

For entry into the minutes, on October 16, 2006, the New York State Racing and Wagering Board approved the requested change in Monticello Raceway's plan of operation to add the three Fridays of December 1, 8, and 15, 2006 as live racing dates.

17. **INTENTIONALLY LEFT BLANK**

18. **MONTICELLO RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2006**

For entry into the minutes, on October 16, 2006, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Dover Downs in Delaware during 2006.

19. For entry into the minutes, on October 26, 2006, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from the Breeder's Cup World Championship day at Churchill Downs in Kentucky.

20. For entry into the minutes, on October 26, 2006, the New York State Racing and Wagering Board approved an amendment to the Monticello Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Delta Downs during 2006.
21. **MONTICELLO RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2006**
For entry into the minutes, on October 30, 2006, the New York State Racing and Wagering Board approved the Monticello Raceway request to amend its simulcast plan of operation enabling the export of simulcast signals to Attraction Hippiques in Canada. This approval is effective through December 31, 2006.
- ** See below.
22. For entry into the minutes, on November 2, 2006, the New York State Racing and Wagering Board approved the Monticello Raceway request to amend its simulcast plan of operation enabling the export of simulcast signals to Yonkers Raceway in New York.
- ** See below.
23. For entry into the minutes, on November 29, 2006, the New York State Racing and Wagering Board approved the Monticello Raceway request to amend its simulcast plan of operation enabling the export of simulcast signals to Sudbury Downs in Ontario, Canada.
- ** See below.
24. **NASSAU REGIONAL OTB – REQUEST TO OFFER “SHOW ME THE MONEY” PROMOTION**
For entry into the minutes, on November 1, 2006, the New York State Racing and Wagering Board approved a Nassau Downs Off-Track Betting Corporation promotion to be held on Saturday, November 4, 2006, at the Race Palace Teletheater, in accordance with the rules submitted, as amended to provide that entry forms will be available in the lobby of the Teletheater to accommodate individuals who wish to enter the drawing without paying admission to the Teletheater. This promotion provides for ten separate drawings, each for a \$100 show bet on the day’s Breeders’ Cup races.
25. **NASSAU REGIONAL OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2006**
For entry into the minutes, on November 21, 2006, the New York State Racing and Wagering Board approved amendments to the Nassau Regional Off-Track Betting Corporation and Suffolk Regional Off-Track Betting Corporation simulcast plans of operation authorizing the simulcast for wagering purposes of races from Yonkers Raceway.

26. **NEW YORK CITY OTB – REQUEST TO APPOINT NEW DIRECTOR – ANGELA A. SUN**

For entry into the minutes, on October 19, 2006, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation plan of operation to reflect the appointment of Angela A. Sun as a member of the Board of Directors of the New York City Off-Track Betting Corporation through December 31, 2009.

27. **NEW YORK CITY OTB – REQUEST TO OFFER VOUCHER PROMOTION**

For entry into the minutes, on October 26, 2006, the New York State Racing and Wagering Board approved an amendment to the New York City Off-Track Betting Corporation's plan of operation to provide for a promotion involving a maximum of 7,000 vouchers each with a value of five (\$5.00) dollars in accordance with the terms of the application and conditions set forth. The vouchers will expire and be of no further use and have no value after closing on the wagering day of Saturday, November 4, 2006.

Approval is conditioned on the submission of a report by NYCOTB no later than November 20, 2006 with the following information:

- # of promotional vouchers produced
- # of promotional vouchers distributed
- # of promotional vouchers actually cashed
- # of promotional vouchers retired by Amtote from the system at the end of the day on Saturday, November 4, 2006.

28. **NEW YORK CITY OTB – REQUEST TO AMEND PLAN OF OPERATION – AGREEMENT WITH UNITED TOTE CORP.**

For entry into the minutes, on October 30, 2006, the New York State Racing and Wagering Board approved the New York City Off-Track Betting Corporation request dated October 25, 2006, to amend its plan of operation to reflect the terms of the October 25, 2006 Core-to-Core Interface Agreement between NYCOTB and United Tote Company for the term March 1, 2006 through June 30, 2007.

29. **NEW YORK CITY OTB – REQUEST TO AMEND PLAN OF OPERATION – TELEPLEX COIN COMMUNICATIONS**

For entry into the minutes, on November 1, 2006, the New York State Racing and Wagering Board approved the New York City Off-Track Betting Corporation request dated October 27, 2006, to amend its plan of operation by including an agreement with the Teleplex Coin Communications, Inc. dba TCC Teleplex. By this agreement, New York City OTB will be able to avail itself of use by the public in the public areas of a branch, and by the employees of New York City OTB in the secured areas of a branch, of pay telephone services.

30. **NEW YORK CITY OTB – REQUEST TO ERECT TENT AT BRANCH 108 FOR BREEDERS’ CUP DAY**

For entry into the minutes, on November 1, 2006, the New York State Racing and Wagering Board approved the New York City Off-Track Betting Corporation request dated October 30, 2006, to amend its plan of operation by expanding its branch #108 located at 4325 Boston Post Road in the Bronx by use of a tent within the rented New York City OTB property for the one day of Breeders’ Cup Day on Saturday, November 4, 2006 only. Approval is conditioned upon compliance with any applicable permits required for the tent.

31. **NEW YORK CITY OTB – REQUEST TO AMEND PLAN OF OPERATION – EFT –MONEY MOVERS OF AMERICA, INC.**

For entry into the minutes, on November 17, 2006, the New York State Racing and Wagering Board approved the New York City OTB request dated October 26, 2006, to amend its plan of operation authorizing the provision by Money Movers of America, Inc. of electronic fund transfer services for telephone betting account customers pursuant to a contract dated September 27, 2006.

32. **NEW YORK CITY OTB – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2006**

For entry into the minutes, on October 18, 2006, the New York State Racing and Wagering Board approved amendments to the simulcast plans of operation of all New York State off-track betting corporations authorizing the simulcast for wagering purposes of races from Dover Downs in Delaware during 2006.

33. For entry into the minutes, on November 1, 2006, the New York State Racing and Wagering Board approved amendments to the New York City Off-Track Betting Corporation, Capital District Regional Off-Track Betting Corporation, Catskill Regional Off-Track Betting Corporation, Nassau Regional Off-Track Betting Corporation, Suffolk Regional Off-Track Betting Corporation and Western Regional Off-Track Betting Corporation plans of operation authorizing the simulcasts for wagering purposes from the Breeders’ Cup World Championship day at Churchill Downs in Kentucky.

34. **SARATOGA GAMING & RACEWAY – REQUEST TO AMEND PLAN OF OPERATION – SIMULCAST RACES TO THE LODGE RESTAURANT**

For entry into the minutes, on October 16, 2006, the New York State Racing and Wagering Board approved the request by Saratoga Gaming and Raceway to amend its plan of operation enabling the supplemental display of its live races and simulcast races for wagering purposes on November 4, 2006 only, at the Lodge Restaurant located on the grounds of the track.

This approval is limited to a single date of November 4, 2006, and the circumstances described in the request dated October 11, 2006, including two teller-staffed locations and no SAM machines.

35. **SARATOGA GAMING AND RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2006**
For entry into the minutes, on November 2, 2006, the New York State Racing and Wagering Board approved an amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Dover Downs, Inc. in Delaware.
36. For entry into the minutes, on November 29, 2006, the New York State Racing and Wagering Board approved the amendment to the Saratoga Gaming and Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from TP Racing L.L.L.P. d.b.a. Turf Paradise in Arizona.
37. **SARATOGA GAMING AND RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2006**
For entry into the minutes, on November 15, 2006, the New York State Racing and Wagering Board approved an amendment to the Saratoga Harness Racing, Inc. simulcast plan of operation authorizing the simulcast for wagering purposes of races to Yonkers Raceway in New York.
- ** See below.
38. For entry into the minutes, on December 1, 2006, the Board approved the simulcast of races conducted at Saratoga Raceway to Royal Turf Club, Ltd. Approval is conditioned upon the terms of the Saratoga Harness Racing, Inc. simulcast license, and all contracts are deemed amended and approval is conditioned on the following:
- ** See below.
39. **SUFFOLK REGIONAL OTB – REQUEST TO AMEND PLAN OF OPERATION/ THE BIG CHILL HARNESS PROMOTION**
For entry into the minutes, on November 15, 2006, the New York State Racing and Wagering Board approved the request to hold a promotion during the week of December 18 through December 23, 2006 at all Suffolk OTB locations including its teletheater. This promotion consists of a customer depositing his losing Monticello Raceway or Pompano Park multiple or exotic tickets into a marked barrel. At each branch, one ticket will be drawn at contest end. One prize will be awarded - a Grand Prize of \$250 to be used at any Suffolk OTB branch. With the exception of the Grand Prize winner, each branch will have one runner-up that will receive a gift basket donated by the Monticello Raceway and Pompano Park harness tracks.

40. **SUFFOLK REGIONAL OTB – REQUEST TO AMEND PLAN OF OPERATION/ HOLIDAY CHEER PROMOTION**
For entry into the minutes, on November 21, 2006, the New York State Racing and Wagering Board approved the Suffolk Regional Off-Track Betting Corporation's promotional request to offer a "Holiday Cheer" promotion at all Suffolk OTB branches from Saturday, December 9, 2006 through Sunday, December 17, 2006. At each branch, one customer and one employee will be rewarded with a gift certificate from King Kullen in the amount of fifteen (\$15.00) dollars each in accordance with the rules submitted and terms of the application. The winners will be determined after the 7th race at Aqueduct Racetrack on December 17, 2006.
41. **NEVADA GOLD – TIOGA DOWNS, INC. – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2006**
For entry into the minutes, on October 12, 2006, 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 the races from Balmoral Racing Club, Inc. in Illinois, Maywood Park Trotting Association, Inc. in Illinois, and Northville Racing Corporation in Michigan.
42. For entry into the minutes, on October 16, 2006, 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 the races from Dover Downs in Delaware during 2006.
43. For entry into the minutes, on October 26, 2006, 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 MEC Oregon Racing, Inc. (Portland Meadows) in Oregon.
44. For entry into the minutes, on October 26, 2006, the New York State Racing and Wagering Board approved an amendment to the Tioga Downs simulcast plan of operation to authorize the simulcast for wagering purposes of races from the Breeder's Cup World Championship day at Churchill Downs in Kentucky.
45. For entry into the minutes, on November 2, 2006, 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 Lebanon Raceway in Ohio.
46. For entry into the minutes, on November 2, 2006, 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 Bay Meadows Racing Association and Hollywood Park in California.
47. For entry into the minutes, on November 3, 2006, 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 Yonkers Raceway in New York.

48. For entry into the minutes, on November 27, 2006, 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 My Way Holdings, LLC d.b.a. Sunland Park Racetrack & Casino in New Mexico.
49. **NEVADA GOLD – VERNON DOWNS, INC. – AMENDMENT TO PLAN OF OPERATION – 60 SECOND BETTING SPREE**
For entry into the minutes, on November 17, 2006, the New York State Racing and Wagering Board approved the amendment to the Nevada Gold-Vernon Downs, Inc. plan of operation enabling a contest at Vernon Downs entitled a “60-Second Betting Spree.” This contest will pick two players that will place as many exactas as possible within sixty seconds. The initial player will play race five and the other player will play race seven. Both players will be required to place their one-minute exacta bets ten minutes before post time.
50. **NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2006**
For entry into the minutes, on October 12, 2006, 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 the races from Balmoral Racing Club, Inc. in Illinois, Lebanon Raceway’s Lebanon Trotting Club, Inc. in Ohio, Maywood Park Trotting Association, Inc. in Illinois, and Northville Racing Corporation in Michigan.
51. For entry into the minutes, on October 16, 2006, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from Dover Downs in Delaware during 2006.
52. For entry into the minutes, on October 26, 2006, 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 MEC Oregon Racing, Inc. (Portland Meadows) in Oregon.
53. For entry into the minutes, on October 26, 2006, the New York State Racing and Wagering Board approved an amendment to the Vernon Downs simulcast plan of operation authorizing the simulcast for wagering purposes of races from the Breeder’s Cup World Championship day at Churchill Downs in Kentucky.
54. For entry into the minutes, on November 2, 2006, 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 Bay Meadows Racing Association and Hollywood Park in California.
55. For entry into the minutes, on November 3, 2006, 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 Yonkers Raceway in New York.

56. For entry into the minutes, on November 27, 2006, 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 My Way Holdings, LLC d.b.a. Sunland Park Racetrack & Casino in New Mexico.

57. NEVADA GOLD – VERNON DOWNS, INC. – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2006

For entry into the minutes, on November 3, 2006, 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 to Yonkers Raceway in New York.

** See below.

58. WESTERN REGIONAL OTB – REQUEST TO APPOINT NEW MEMBER TO BOARD OF DIRECTORS – MEAL

For entry into the minutes, on October 20, 2006, the New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation plan of operation to reflect the appointment of Gerald E. Meal as a member of the Board of Directors representing Niagara County for the Western Regional Off-Track Betting Corporation.

59. WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO AMEND PLAN OF OPERATION/PROMOTION – "CUSTOMER APPRECIATION NIGHT"

For entry into the minutes, on November 6, 2006, the New York State Racing and Wagering Board approved the Western Regional OTB/Batavia Downs request to offer five gift certificates after each of the ten races of the night of December 1, 2006 on Customer Appreciation Night. This amounts to fifty (50) certificates with a total cash value of approximately \$1,000.00. It is understood that there is no cost to enter the random drawings.

60. WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO AMEND PLAN OF OPERATION/PROMOTIONS – CARING FOR KIDS

For entry into the minutes, on November 15, 2006, the New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation plan of operation/promotions allowing for the "Caring for Kids" promotion per the submitted rules.

61. WESTERN REGIONAL OTB/BATAVIA DOWNS – REQUEST TO AMEND PLAN OF OPERATION – CANCEL/ADD RACE CARDS

For entry into the minutes, on November 16, 2006, the New York State Racing and Wagering Board approved an amendment to the Western Regional Off-Track Betting Corporation (Batavia Downs) plan of operation allowing for the cancellation of the one program scheduled for Wednesday, November 29, 2006 and the addition of a second program making a doubleheader on Saturday, December 2, 2006.

62. **WESTERN REGIONAL OTB – REQUEST TO OFFER PROMOTION – VEGAS VACATION GIVEAWAY**

For entry into the minutes, on November 28, 2006, the New York State Racing and Wagering Board approved the amendment to the Western Regional Off-Track Betting Corporation plan of operation/promotions allowing for the Vegas Vacation Giveaway to a Western OTB E-Z Bet customer per the submitted rules.

63. **YONKERS RACEWAY – REQUEST TO IMPORT VARIOUS LOCATIONS IN 2006**

For entry into the minutes, on November 8, 2006, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Pompano Park in Florida.

64. For entry into the minutes, on November 15, 2006, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Batavia Downs in New York, Buffalo Raceway in New York, Rosecroft Raceway in Maryland, and The Meadowlands in New Jersey.

65. For entry into the minutes, on November 15, 2006, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from The Meadows in Pennsylvania, Monticello Gaming & Raceway in New York, Northfield Park Associates, LLC in Ohio, Saratoga Harness Racing, Inc. in New York, and Sterling Suffolk Racecourse, LLC in Massachusetts.

66. For entry into the minutes, on November 17, 2006, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Northville Racing Corporation in Michigan.

67. For entry into the minutes, on November 21, 2006, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races from Finger Lakes Racing Association, Inc. in New York, Harrington Raceway in Delaware, Hazel Park in Michigan, Indiana Downs in Indiana, Lebanon Raceway's Lebanon Trotting Club, Inc. in Ohio, Downs Racing, L.P. d.b.a. Mohegan Sun at Pocono Downs in Pennsylvania, Mountaineer Park, Inc. in West Virginia, Scioto Downs, Inc. in Ohio, and Vernon Downs in New York.

68. YONKERS RACEWAY – REQUEST TO EXPORT TO VARIOUS LOCATIONS IN 2006

For entry into the minutes, on November 3, 2006, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races to Batavia Downs in New York, Lebanon Raceway in Ohio, Lewiston Raceway in Maine, The Meadowlands in New Jersey, Mohegan Sun at Pocono Downs in Pennsylvania, Monticello Raceway in New York, Ocean Downs in Maryland, Rockingham Park in New Hampshire, Rosecroft Raceway in Maryland, Scioto Downs in Ohio, and Vernon Downs in New York.

The Board also approved the simulcast for wagering purposes to all of the Atlantic City simulcast casinos listed on the submitted contract, except for Ace Casino, LLC d.b.a. Sands Hotel and Casino. No additional casinos may be added without disclosure to and specific approval by the Board.

** See below.

69. For entry into the minutes, on November 8, 2006, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races to Buffalo Raceway in New York.

** See below.

70. For entry into the minutes, on November 15, 2006, the New York State Racing and Wagering Board approved the simulcast for wagering purposes of races from Yonkers Raceway to Day at the Track in California and Northville Racing Corporation in Michigan.

** See below.

71. For entry into the minutes, on November 16, 2006, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races to Northfield Park in Ohio and Pompano Park in Florida.

** See below.

72. For entry into the minutes, on November 17, 2006, the New York State Racing and Wagering Board approved an amendment to the Yonkers Raceway simulcast plan of operation authorizing the simulcast for wagering purposes of races to Autotote Enterprises, Inc. in Connecticut.

** See below.

** All contracts are conditioned upon the terms of the simulcast license, and all contracts are deemed amended and approval is conditioned on 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 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 out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.

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

1. **CAPITAL DISTRICT REGIONAL OTB - REQUEST FOR EXTENSION FOR CASH REWARD PROGRAM QUARTERLY REPORT**

For entry into the minutes, on October 20, 2006 the New York State Racing and Wagering Board approved Capital District Regional Off-Track Betting Corporation's (CDROTB) request for extension of time to file the required second quarterly reports regarding the Capital Cash Rewards Program until October 27, 2006.

2. **CAPITAL DISTRICT REGIONAL OTB - REQUEST TO MODIFY CASH REWARDS PROGRAM**

For entry into the minutes, on November 30, 2006, the New York State Racing and Wagering Board approved the Capital District Regional Off-Track Betting Corporation (CDROTB) request to temporarily modify the Capital Cash Rewards Program during the upcoming Aqueduct meet (retroactively from November 1, 2006 through December 31, 2006) as outlined in the correspondence of Robert G. Hemsworth dated November 14, 2006.

This approval is subject to the same conditions of the Board's March 28, 2006 approval of the Capital OTB Player Rewards Program.

It was noted that this is the third request for this modification. The Board suggested that CDROTB may wish to consider a permanent amendment under these circumstances.

3. **SARATOGA GAMING AND RACEWAY – REQUEST FOR EXPANSION PROJECT**

For entry into the minutes, on November 2, 2006, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 322, the New York State Racing and Wagering Board approved the request by Saratoga Harness Racing, Inc. (Saratoga Gaming and Raceway) for approval of foundation work, associated plumbing work and steel work in relation to the expansion project described in its October 19, 2006 letter.

The work approved is described in the October 23, 2006 Construction Permit issued by the New York State Office of General Services for Project No. S1860.

A letter requesting approval for any other construction work must be submitted to the Board (with an appropriate Construction Permit). Prior approval of the Board is required prior to the commencement of any additional related construction.

4. **SARATOGA GAMING AND RACEWAY – REQUEST FOR APPROVAL OF EXPANSION PROJECT**

For entry into the minutes, on December 1, 2006, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Section 322, the New York State Racing and Wagering Board approved the request by Saratoga Harness Racing, Inc. (Saratoga Gaming and Raceway) for approval of the site work and site utilities (site grading and drainage plan, storm water and sanitary sewer, domestic water supply, gas supply, power supply, sidewalk, and parking modification) described in its November 21, 2006 letter, and the relevant OGS permit.

The work approved is described in the November 17, 2006 Construction Permit issued by the New York State Office of General Services for Project No. S1860.

A letter requesting approval for any other construction work must be submitted to the Board (with an appropriate Construction Permit). Prior approval of the Board is required prior to the commencement of any additional related construction.

5. **YONKERS RACEWAY – REQUEST FOR APPROVAL TO APPOINT PEACE OFFICERS**

For entry into the minutes, on November 10, 2006, pursuant to Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board (“Board”) granted Yonkers Racing Corporation’s request to approve the appointment of the individuals listed below as special policemen within and around the grounds of Yonkers Raceway. These special policemen may exercise the powers of peace officers as authorized by and in accordance with Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law and Section 2.20 of the Criminal Procedure Law.

The grant of approval by the Board is conditioned upon the satisfactory receipt and evaluation by the Board of the federal fingerprint-based criminal history reports on the approved individuals. The Board’s approval is further conditioned upon the continuing compliance by Yonkers Raceway with any related requirements imposed by the Board,

the Racing, Pari-Mutuel Wagering and Breeding Law, the Criminal Procedure Law, and any other governmental agencies with jurisdiction concerning these appointments.

The twenty-seven (27) individuals approved are:

Arnold, Sharon
Benjamin, Elbert
Booker, Credenza
Brown, George
Caverly, Joseph
Cooper, Thomas
Corrente, Vincent
Garcia, Edwin
Gonzales, Jorge
Hall, Tracey
Hing, Carlton
Jidoun, Edward
Jordano, Joseph
Licovitch, Stanley
Lubieniecki, Joseph
Medley, Shequela
Miele, Anthony
Pace, James
Porucznik, Robert
Rodriquez, Rinaldo
Roldan, Edwin
Schulder, Brian
Shabman, Frank
Siller, John
Stanley, Arlene
Vassell, Jacqueline
Wade, MacArthur

Yonkers Racing Corporation must notify the Board in writing within forty-eight (48) hours after the termination of employment of any special policeman.

The Board denied approval for the appointment of Jesse Lighty as a special policeman.

6. YONKERS RACEWAY – REQUEST FOR APPROVAL TO APPOINT PEACE OFFICERS

For entry into the minutes, on November 21, 2006, pursuant to Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board (“Board”) granted Yonkers Racing Corporation’s request to approve the appointment of the individuals listed below as special policemen within and around the grounds of Yonkers Raceway. These special policemen may exercise the powers of peace officers as authorized by and in accordance with Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law and Section 2.20 of the Criminal Procedure Law.

The grant of approval by the Board is conditioned upon the satisfactory receipt and evaluation by the Board of the federal fingerprint-based criminal history reports on the approved individuals. The Board's approval is further conditioned upon the continuing compliance by Yonkers Raceway with any related requirements imposed by the Board, the Racing, Pari-Mutuel Wagering and Breeding Law, the Criminal Procedure Law, and any other governmental agencies with jurisdiction concerning these appointments.

The ten (10) individuals approved are:

Degree, Andre
Fabres, Bienvenido
Johnson, Gregory
Munoz, Danny
Pachheco, Reyes Javier
Rosario, Pedro
Saglimbeni, Anthony
Taylor, James
Vives, Rosa
Williams, George

Yonkers Racing Corporation must notify the Board in writing within forty-eight (48) hours after the termination of employment of any special policeman.

7. **YONKERS RACEWAY – REQUEST FOR EXTENSION OF DEADLINE FOR OPERATIONAL INFIELD TOTALIZATOR DISPLAY BOARD**
For entry into the minutes, on [November 29, 2006](#), the [New York State Racing and Wagering Board](#) granted Yonkers Racing Corp.'s request to extend the time to meet the requirement that the track have a fully operational infield tote board. The Board modified the relevant condition of Yonkers Racing Corp.'s [November 24, 2006](#) conditional track license to extend until [December 20, 2006](#) the requirement that the track have a fully operational infield tote board.
8. **YONKERS RACEWAY – REQUEST FOR APPROVAL OF PEACE OFFICERS**
For entry into the minutes, on December 4, 2006, pursuant to Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board ("Board") granted Yonkers Racing Corporation's request to approve the appointment of the individuals listed below as special policemen within and around the grounds of Yonkers Raceway. These special policemen may exercise the powers of peace officers as authorized by and in accordance with Section 312 of the Racing, Pari-Mutuel Wagering and Breeding Law and Section 2.20 of the Criminal Procedure Law.

The grant of approval by the Board is conditioned upon the satisfactory receipt and evaluation by the Board of the federal fingerprint-based criminal history reports on the approved individuals. The Board's approval is further conditioned upon the continuing compliance by Yonkers Raceway with any related requirements imposed by the Board,

the Racing, Pari-Mutuel Wagering and Breeding Law, the Criminal Procedure Law, and any other governmental agencies with jurisdiction concerning these appointments.

The six (6) individuals approved are:

Costantini, Anthony
Frattarola, Joseph
Herring, Gwendolyn
Machado, Victor
Murnane, Edward
Sandler, Michael

Yonkers Racing Corporation must notify the Board in writing within forty-eight (48) hours after the termination of employment of any special policeman.

9. **NEW YORK JOCKEY INJURY COMPENSATION FUND REQUEST TO AMEND PLAN OF OPERATION**

For entry into the minutes, on November 21, 2006, the New York State Racing and Wagering Board approved an amendment to the plan of operation of the New York Jockey Injury Compensation Fund, Inc. for the method of funding and assessment plan for 2007, as set forth in the attachments to the submitted application.

10. **SAS 70 TYPE II AUDITS - REQUEST FOR EXTENSION FOR CATSKILL OTB, SARATOGA HARNESS, MONTICELLO RACEWAY & YONKERS RACEWAY FOR 2006**

For entry into the minutes, on November 21, 2006, the New York State Racing and Wagering Board approved an extension of time to file the required SAS 70 Type II audit reports of the totalizator systems in operation at Catskill Regional Off-Track Betting Corporation, Saratoga Harness, Monticello Raceway and Yonkers Raceway until December 15, 2006.

11. **IN THE MATTER OF VERONICA MERTON**

For entry into the minutes, on March 15, 2006, the New York State Racing and Wagering Board summarily suspended the harness racing license of Veronica Merton, and any other rights to participate in harness racing, based on the finding that the public safety and welfare imperatively required this emergency action. This action was founded upon Ms. Merton's failure to submit to a drug test on November 15, 2006, in violation of Board Rule 4119.11. The suspension will remain in effect pending further disposition by the Board after a scheduled hearing.

12. **NOTICE OF EMERGENCY RULEMAKING – TCO2 TESTING & PENALTIES**

For entry into the minutes, on December 4, 2006, the New York State Racing and Wagering Board approved the adoption of emergency rules to govern the testing of excess TCO2 in thoroughbred and harness racehorses, penalties for excess TCO2 and procedures for guarded quarantine, and voidable claims.

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

1. NEW YORK CITY OTB SIMULCAST LICENSE APPLICATION FOR 2006

The New York State Racing and Wagering Board deferred action on New York City Off-Track Betting Corporation's 2006 simulcast license application pending staff's further review of matters concerning NYC OTB's financial position.

The Board acknowledged receipt of the following information submitted by NYC OTB:

- A copy of NYC OTB's proposed legislative plan to address its financial position.
- A copy of NYC OTB's proposed plan to improve its financial position should part or all of the proposed legislative plan not succeed. (i.e. expense reduction plan, increased revenues etc.)
- Financial projections for each of the plans listed above that demonstrate how NYC OTB will meet its financial and statutory obligations for 2007.

NYC OTB will remain operational on the continuing rights of the 2005 simulcast license. Such rights 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, including:
 - o Submission to the Board of fire inspection reports on an ongoing basis.

2. BUFFALO RACEWAY – TRACK AND SIMULCAST LICENSE APPLICATIONS FOR 2007

The New York State Racing and Wagering Board approved the Buffalo Raceway track and simulcast licenses 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 site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
- c. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either Commission or Board 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.

The Board assigned the 84 racing programs requested on the dates specified and at the post-times requested.

The Board granted the 2007 Buffalo Raceway 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 Buffalo Raceway 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 Buffalo Trotting Association, Inc. to be assigned the prescribed number.

3. NASSAU DOWNS REGIONAL OTB - SIMULCAST LICENSE APPLICATION FOR 2007

The New York State Racing and Wagering Board granted the Nassau Regional Off-Track Betting Corporation's simulcast license for 2007.

The 2007 simulcast license is conditioned upon the following:

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

- a. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2007.

4. NYRA – REQUEST FOR APPROVAL OF 2007 RACE DATES

Pursuant to Section 208 of the Racing, Pari-mutuel Wagering and Breeding Law, the New York State Racing and Wagering Board approved the NYRA request for the total 257 racing programs at Aqueduct Racetrack, Belmont Park, and Saratoga Racecourse during 2007.

Approved were the dates requested during the following periods:

- Aqueduct Racetrack – January 1st through April 29th (Winter-Spring), and October 24th through December 31st,
- Belmont Park - May 2nd through July 22nd (Spring) and September 7th through October 21st (Fall),
- Saratoga Racecourse - July 25th through September 3rd.

5. NYRA – REQUEST FOR BLANKET APPROVAL OF INTERSTATE SIMULCAST AGREEMENTS FOR 2007

The New York State Racing and Wagering Board considered and approved The New York Racing Association’s request for a system of “blanket approval” in relation to year 2007 NYRA simulcasting.

The Board approved a system, subject to the following conditions:

1. The “blanket approval” requires the ongoing monthly certification (to be filed with monthly reports) of NYRA’s President, Chief Executive Officer, and Chief Operating Officer that the requirements and conditions set forth below are contained in the simulcast agreements and are otherwise accepted by NYRA.
2. The Board preserves the right to amend the requirements and conditions, rescind the “blanket approval” generally or as applicable to specific sites, and to audit or otherwise review compliance with the requirements and conditions.

3. The “blanket approval” authorizes both in-state and out-of-state NYRA export of its simulcast signal and the receipt of imported simulcast signals provided that each and every contract contains the following requirements and/or the simulcast is subject to the following conditions:
 - (a) prohibition of the acceptance of wagers by any means (other than in-person) from New York residents by out-of-state simulcast recipients
 - (b) posting on Internet sites and communication of information by other means to potential customers by out-of-state simulcast recipients that no wagers by any means (other than in-person) will be accepted from New York residents
 - (c) prohibition of secondary dissemination by primary guest sites without the approval of NYRA and the report of such activity by NYRA to the Board in monthly reports

- (d) provision of written documentation (to be maintained by NYRA) of any required approvals pursuant to the Interstate Horse Racing Act
 - (e) any guest site or other site (including secondary sites) must maintain pari-mutuel data for at least two years and acknowledge the Board's right to access and review such data upon request
 - (f) Sites from which NYRA imports simulcasts must acknowledge that NYRA may or will provide rebates on the specific site's simulcast handle
 - (g) Sites which receive the NYRA simulcast must indicate whether or not the site will rebate on the site's handle on NYRA races
 - (h) Out-of-state simulcast sites (primary and secondary) will receive a simulcast questionnaire, which must be completed and filed with the Board on a timely basis
 - (i) Wagering must stop at the guest sites and all secondary site recipients no later than when the starting gate opens at NYRA
 - (j) NYRA must file monthly reports, no later than the first business day of each month, which sets forth:
 - (i) the certifications referenced at 1 above
 - (ii) complete list of all import and export simulcast sites (including secondary sites) with entity name, address and point of contact, schedule for simulcasts, applicable specific rates of compensation, information concerning merged pool, net pool pricing, or separate pool status, information as to whether or not NYRA is rebating on simulcasts received and guests are rebating on NYRA races, and information on handle by guest and secondary sites.
4. Simulcasts to and from sites that do not satisfy the conditions herein are prohibited unless the Board has granted specific written authorization after application by NYRA.
 5. Simulcasts to and from any sites that have not been approved individually or as part of the 2006 blanket approval process are prohibited unless the Board has granted specific written authorization after application by NYRA.
 6. Finally, the year 2007 approval is dependent and conditioned upon receipt by the Board, no later than December 31, 2006, of the certification of the NYRA Board of Trustees, required pursuant to paragraph 4 of the Board's April 20, 2006 approval of the 2006 system of blanket approval, that the Board of Trustees has established

and adopted a policy to comply with the requirements and conditions set forth for the system.

6. **SARATOGA GAMING & RACEWAY – REQUEST TO INSTALL STAN MACHINE AT RACINO**

The New York State Racing and Wagering Board approved the request by Saratoga Gaming and Raceway in accordance with Section 313 of the New York State Racing and Wagering Law to install a STAN machine located by Diamond Jim’s full service bar located on the gaming floor of the racino.

7. **FINGER LAKES RACETRACK – REQUEST TO WITHDRAW \$39,969.68 FROM CIF**

The New York State Racing and Wagering Board (the Board) approved Finger Lakes Racetrack’s request to withdraw a total of \$39,969.68 from its Capital Improvement Fund for reimbursement of the following Capital Improvement Expenditures:

<u>Other (89%)</u>	
Paint Grandstand Ceiling	\$ 20,902.45
Popcorn Machine – Stand 9	559.10
Scale – Winner’s Circle	900.28
Wireless Microphone - Publicity	338.74
Drain Cleaning Machine	624.00
Radio Batteries – Maintenance & Security	843.16
Refurbishment of Panasonic Digital Recorders	12,834.02
Total Other	<u>\$ 24,167.73</u>
<u>Backstretch (11%)</u>	
Plates for Harrows	\$ 1,739.59
Culvert Pipe	<u>1,228.34</u>
Total Backstretch	<u>\$ 2,967.93</u>
<u>Total Approved</u>	<u>\$ 39,969.68</u>

8. **IN THE MATTER OF CLINTON G. GALBRAITH**
The Board upheld Hearing Officer Creighton Brittell’s recommendation to uphold the decision of the judges at Buffalo Raceway that the harness driving license of Clinton G. Galbraith be suspended for eight (8) days for violation of Board Rule 4117.4(d) while driving the horse MISS IN THE RAIN in the 7th race on June 28, 2006, at Buffalo Raceway.

9. **IN THE MATTER OF CLINTON G. GALBRAITH**
The Board rejected Hearing Officer Creighton Brittell’s recommendation that the harness driving license of Clinton G. Galbraith be suspended for eight (8) days for violation of Board Rule 4117.4(b) while driving the horse GOOD WILL KASH in the 2nd race on June 15, 2006, at Buffalo Raceway. The violation cited was dismissed.

10. **IN THE MATTER OF CANDY COLE**
The Board upheld Hearing Officer Michael J. Hoblock, Jr’s. recommendation that the issuance of a license to harness racing food services applicant Candy Cole be refused on the basis that she did not hold employment at a New York State racetrack.

11. **IN THE MATTER OF MICHAEL GIANNICO**
The Board upheld Hearing Officer Creighton Brittell’s recommendation to uphold the decision of the Presiding Judge at Saratoga Raceway that harness trainer Michael Giannico be fined \$100 for failure to bring “CG’s Shutterbug” to the paddock at or before the prescribed time for the 1st race on August 4, 2006 at Saratoga Raceway.

12. **IN THE MATTER OF NICHOLAS ANDREOLI**
The Board upheld Hearing Officer Creighton Brittell’s recommendation that the appeal of Harness driver Nicholas Andreoli be deemed withdrawn based on Mr. Andreoli’s default. The fine is the amount of \$50 for failure to come up into position behind the starting gate in the 3rd race on July 21, 2006, at Saratoga Raceway remains in effect.

13. **IN THE MATTER OF DAN DALEY**

The Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the appeal of harness trainer-driver Dan Daley be dismissed as a judgment call of the racing officials involving a disqualification and ultimate placement by the judges of REDNECK REINDEER from first to fifth in the 5th race of July 10, 2006 at Monticello Raceway, based on violation of Board Rule 4117.4(a).

14. **IN THE MATTER OF JORGE MONSERRATE**

The Board upheld Hearing Officer Creighton Brittell's recommendation that the licenses of thoroughbred groom/exercise rider Jorge Monserrate be revoked based upon a positive drug test finding in a sample obtained on May 28, 2006 at Finger Lakes Race Track, in violation of Board Rule 4042.5(a) and the terms of voluntary agreement dated June 5, 2005. Mr. Monserrate is barred from New York State tracks until he completes rehabilitation, and demonstrates fitness to participate.

15. **IN THE MATTER OF ROBERT A. VROOMAN**

The Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the issuance of a license to harness general services applicant Robert A. Vrooman be refused on the basis that the applicant's experience, character and general fitness are such that his participation in racing would be inconsistent with the public interest, convenience and necessity or with the best interests of racing generally, and that a new application be considered for a conditional license if Mr. Vrooman provides a favorable fitness evaluation from a New York State certified alcohol abuse treatment program.

16. **IN THE MATTER OF DONALD DOBBIN**

The Board upheld Hearing Officer Russell H. Baller, Jr.'s recommendation that the license of mutuel clerk Donald Dobbin be suspended thirty (30) days and he be fined nine hundred dollars (\$900) pursuant to the terms of stipulation whereby the charges asserted in the original order to show cause were amended to a single charge and with the respondent entering a nolo contendere plea to that charge in reference to his reported cash shortages from his teller drawer during NYRA race meetings during 1996 to 1998.

17. **IN THE MATTER OF TODD PLETCHER**

The Board considered an application concerning when and how the Board's previously-order suspension (Findings and Order dated December 16, 2005) should be implemented. The Board ordered:

- that Mr. Pletcher's suspension shall begin at the discretion of the State Steward at the New York State track where he participates, to wit, Carmine Donofrio, who is at present the State Steward at Aqueduct Racetrack;

- that Mr. Donofrio, subject to his exercise of discretion, may begin Mr. Pletcher's suspension on or after December 27, 2006, when racing resumes at Aqueduct Racetrack;
- that the December 15, 2006 letter of Assistant Solicitor General Edward Lindner to Mitchell Karlan, attorney for Mr. Pletcher, provides an accurate description to Mr. Pletcher of activities that would violate the prohibition, set forth in the Board Findings and Order dated December 16, 2006, against Mr. Pletcher and any horses, owned or trained by him or his agents or employees, participating in racing in New York State during his period of suspension; and
- that Mr. Pletcher should be aware of the foregoing before his penalty begins.

18. MONTICELLO RACEWAY – TRACK APPLICATION FOR 2007

The New York State Racing and Wagering Board deferred action on the Monticello Raceway track license application for 2007 pending further review by Board staff.

The Board assigned only the January 2007 race dates requested by Monticello Raceway.

The Board will consider further action at its next scheduled Board meeting.

Monticello Raceway may remain operational on the basis of continuing rights. Such rights are conditioned upon the following:

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

19. YONKERS RACEWAY – TRACK APPLICATION FOR 2007

The New York State Racing and Wagering Board deferred action on the Yonkers Raceway track application for 2007 pending further review by Board staff.

The Board assigned the racing programs on the dates requested by Yonkers Raceway for the month of January 2007 ONLY. The Board noted the objection made by Monticello Raceway to the assignment of Tuesday afternoon racing programs, stated to be in direct conflict with the conduct of Tuesday afternoon Monticello Raceway programs. The Board directed that both Yonkers Raceway and Monticello Raceway file reports concerning their positions on this matter, including an economic analysis, following experience with the Tuesday programs. These reports are to be filed no later than three days prior to the next Board meeting, currently anticipated to be on January 25, 2007.

The Board further required that Yonkers Raceway provide written information as soon as possible concerning the temporary structural repairs and permanent resolution of issues associated with the existing elevated walkways, as referenced in the December 27, 2006 letter of Robert J. Galterio and the December 8, 2006 site visit report of EwingCole.

The Board also stated its expectation, based upon the progress report stated at the Board meeting, that the infield tote board will be fully operational no later than the January 6, 2007.

The Board will consider further action at its next scheduled Board meeting.

Yonkers Raceway may remain operational on the basis of continuing rights. Such rights are conditioned upon the following:

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

- c. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either Commission or Board 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. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between October 11, 2006 – November 3, 2006.

2. GAMES OF CHANCE/BELL JAR TICKETS

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between October 1, 2006 – October 31, 2006.

3. LICENSING – CURRENT LICENSE COUNT

The current racing licensing counts as of October 31, 2006 since January 1, 2006 are as follows: total receipts 14,191 and total licenses 10,511 for the year 2006.

4. 2006 LICENSED SUPPLIERS

List of 2006 licensed suppliers and manufacturers for the period of October 1, 2006 through October 31, 2006.

5. INDIAN GAMING - LICENSING STATISTICS

Licensing statistics for October 1, 2006 through October 31, 2006. Also included are the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.

6. CAPITAL DISTRICT REGIONAL OTB – PLAYER REWARDS 2ND QUARTER RESULTS

For entry into the minutes, on March 28, 2006, the Racing and Wagering Board (Board) conditionally approved the Capital District Regional Off-Track Betting Corporation (CDROT B) request for offering promotional cash awards to players. This program, know as “Capital OTB Player Rewards” began to be offered to CDROT B players on April 1, 2006.

As part of the conditioned approval, the Board required CDROT B to submit several written reports concerning the player rewards program. The first such set of required reports was filed in July. The second set of quarterly reports were filed On October 27, 2006 and are included with this memo. One of the requirements of the reports is that they are to provide the past quarter and cumulative information. The submission does not have the required cumulative information provided. Staff reminded CDROT B of this requirement and advised them to ensure these reports are included with the next quarter’s submission.

7. NYRA – NYRA REWARDS 2ND QUARTER RESULTS

For entry into the minutes, on March 28, 2006, the Racing and Wagering Board (Board) conditionally approved the New York Racing Association Inc. (“NYRA”) request for offering promotional cash awards to players. This program, know as “NYRA Rewards” began to be offered to NYRA players on May 3, 2006.

As part of the conditioned approval, the Board required NYRA to submit several written reports concerning the player rewards program. The first such set of required reports was filed with the Board in July. The second set of quarterly reports was filed on October 10, 2006 and are attached to this memo. One of the requirements of the reports is that they are to provide the past quarter and cumulative information. The submission does not have the required cumulative information provided. Staff reminded NYRA of this requirement and advised them to ensure these reports are included with the next quarter's submission.

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

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between November 6, 2006 – December 5, 2006.

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

List of bell jar tickets authorized/denied by the Charitable Gaming Unit between November 1, 2006 – November 30, 2006.

10. **LICENSING – CURRENT LICENSE COUNT**

The current racing licensing counts as of November 30, 2006 since January 1, 2006 are as follows: total receipts 15,369 and total licenses 11,413 for the year 2006.

11. **2006 LICENSED SUPPLIERS**

The unit did not issue any Bingo and/or Games of Chance licenses for this month.

12. **INDIAN GAMING - LICENSING STATISTICS**

Licensing statistics for November 1, 2006 through November 30, 2006. Also included are the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida.

F. **FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED**

1. On September 22, 2006, the Board approved Capital OTB's request to add a remote simulcast wagering facility located in Valatie, New York at Kappy's Lounge and Grill, on the condition that the Board receive a copy of their Certificate of Occupancy. A copy of this document was received.

The Meeting was adjourned at 11:52 a.m.